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HOUSE JOURNAL

OF THE

FIFTH SESSION

OF THE

Legislative Assembly

OF THE

STATE OF MONTANA.

Begun at Helena, the Capital of said State, on the Fourth Day
of January, A. D. 1897, and Concluded on the
Fourth Day of March, A. D. 1897.

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HOUSE JOURNAL.

FIRST DAY.

House of Representatives,
Helena, Montana, January 4, 1897.

Pursuant to law, at the hour of 12 M. the House of Representatives of the Fifth Legislative Assembly of the State of Montana was called to order by Thomas S. Hogan, Secretary of the State of Montana attended by E. W. Stetson, chief clerk of the House of Representatives of the Fourth Legislative Assembly.

The roll was called and members elect deposited their certificates of election with the acting secretary. Secretary Hogan then introduced Associate Justice Hunt who administered the oath of office which was duly signed by all members present, as follows:

"I do solemnly swear that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity, and that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election, (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of the state, or procure it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law. So help me God."

Thomas C. Armitage, George F. Bartlett, George B. Bourne, J. E. Brown, George A. Bruffy, Martin Buckley, S. H. Butler, W. Caldwell, Albert J. Campbell, E. R. Carroll, W. A. Clark, Israel Clem, W. H. Cochran, Martin Dee, J. C. Edwards, Martin J. Elliott, W. J Evans, Thomas Gilna, C. D. Greenfield, James J. Hart, H. S. Hepner, M. L. Hewett, Robert Hill, R. G. Humber, J. N. Kelly, W. M. Kelly, J. M. Kennedy, W. J. Kennedy, S. W. Langhorne, M. D. Leehey, Wm. Lindsay, R. X. Lewis, Albert I. Loeb, Frank Longstaff, J. E. Marcum, J. P. McCabe, H. W. McIntire, Patrick McMahon, J. E. McNally, D. E. Metlen, L. J. Morgan, Anthony Morton, Sam Mulville, C. W. Newton, D. P. O'Connor, George O'Malley, James Owens, William

Owsley, Lewis Penwell, C. H. Perrin, B. D. Phillips, J. E. Power, G. L. Ramsey, E. J. Sanford, William Shiffelbin, Dennis Shovlin, G. H. Stanton, W. J. Stephens, C. F. Stork, Eugene Sullivan, Thomas L. Taylor, J. E. Wamsley, O. Y. Warren, P. W. Watkins, C. A. Whipple, Robert White, Fred Whiteside, E. P. Woods.

ELECTION OF OFFICERS.

On motion of Whitesides the House proceeded to the election of officers.

Nominations being declared in order Leehey of Silver Bow nominated J. M. Kennedy of Deer Lodge County, Shiffelbin of Silver Bow nominated C. A. Whipple of Meagher County, Lewis of Valley nominated H. W. McIntire of Custer County.

The roll being called the election resulted as follows:

For Kennedy—Armitage, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Greenfield, Hart, Hepner, Hill, Humber, Kelly, J .N., Kelly, Wm., Kennedy, J. M. Langhorne, S. W. Leehey, Loeb, Longstaff, Marcum, McCabe, McIntire, McNally, Metlen, Morgan, Newton, O'Conner, Owens, Owsley, Penwell, Perrin, Ramsey, Shovlin, Stanton, Stephens, Stork, Sullivan, Warren, Whipple, Whiteside, Woods. Total —45.

For Whipple—Bartlett, Clem, Edwards, Elliot, Evans, Gilna, Hewett, McMahon, Morton, Mulville, O'Malley, Power, Sanford, Shiffelbin, Taylor, Wamsley, Watkins, White. Total—18.

For McIntire—Bourne, Kennedy, W. J., Lindsay, Lewis, Phillips. Total —5.

J. M. Kennedy having received a majority of all votes cast he was declared duly elected as Speaker of the House of Representatives of the Fifth Legislative Assembly of the State of Montana.

Langhorne of Lewis and Clarke was appointed to escort the speaker elect to the chair.

Campbell of Park nominated the following officers of the House and moved their election.

Speaker pro tem, A. I. Loeb, of Lewis and Clarke County.

Chief clerk, D. Marks, of Lewis and Clarke County.

Ass't chief clerk, A. C. Logan, of Sweet Grass County.

Journal clerk, A. J. Violet, of Missoula County.

Sergeant at arms, John H. Hall, of Cascade County.

Ass't. sergeant at arms, who shall act as door keeper, H. J. Muldoon, of Silver Bow County.

Enrolling clerk, Miss Alta Childs, of Lewis and Clarke County.

Engrossing clerk, J. F. Mercer, of Park County.

Janitor, A. G. Green, of Lewis and Clarke County.

Day watchman, J. A. Baill, of Madison County.

Night watchman, A. G. Watson, of Gallatin County.

Chaplain, B. E. H. Warren, of Lewis and Clarke County.

Pages, J. Ryan, of Silver Bow County; Wm. N. Flynn, of Lewis and Clarke County.

Whipple of Meagher moved an amendment that the following be elected as officers of the House:

M. L. Hewett, speaker pro tem.

M. G. Macauley, chief clerk.

Wm. Cunningham, assistant clerk.

Peter Breen, sergeant at arms.

Al. Hamilton, assistant sergeant at arms.

Avery C. Moore, journal clerk.

John Helme, enrolling clerk.

J. H. Nicholson, engrossing clerk.

Dan'l. McDonald, door keeper.

W. M. Craig, janitor.

James Newton, day watchman.

Patrick Nolan, night watchman.

Arthur Brown and Allen McClellan, pages.

On motion of Langhorne it was agreed that the members in answering to the roll call upon the amendment, if voting for the amendment announce "Populist" nomination, if against "Democrat".

The roll being called the amendment was lost by the following vote:

Democrat nominations—Armitage, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Greenfield, Hart, Hepner, Hill, Humber, Kelly, (W. M.) Kennedy, (J. M.), Langhorne, Leehey, Lindsay, Loeb, Longstaff, Marcum, McCabe, McNally, Metlen, Morgan, Newton, O'Conner, Owens, Owsley, Penwell, Perrin, Ramsey, Shovlin, Stanton, Stephens, Stork, Sullivan, Warren, Whiteside, Woods. Total—42.

For populist nominations—Bartlett, Clem, Edwards, Evans, Gilna, Hewett, McMahon, Morton, Mulville, O'Malley, Power, Sanford, Shiffelbin, Taylor, Wamsley, Watkins, Whipple, White. 19.

Not voting--Bourne, Kelly, J. N., Kennedy, W. J., Lewis, McIntire and Phillips—Total 6.

On motion of Whipple the nominations made by Campbell were declared by acclamation.

The following named officers, elected by the House, appeared and the oath of office was administered to them by Mr. Speaker:

David Marks, chief clerk; A. C. Logan, assistant chief clerk; A. J. Violette, journal clerk; J. H. Hall, sergeant at arms; H. J. Muldoon, assistant sergeant at arms, and door keeper; Miss Altha Childs, enrolling clerk; J. F. Mercer, engrossing clerk; John A. Beall, day watchman; A. G. Watson, night watchman; A. G. Green, janitor; Joseph Ryan and William Flynn, pages; B. E. H. Warren, chaplain.

MOTIONS AND RESOLUTIONS.

On motion of Ramsey the following resolution was adopted:

"Resolved—That a committee of three be appointed for the purpose of informing the Senate and the Governor that the house has been organized with the following list of officers:

Speaker, J. M. Kennedy.

Speaker pro tem, A. I. Loeb.

Chief clerk, David Marks.

Ass't. chief clerk, A. C. Logan.

Journal clerk, A. J. Violette.

Sergeant at arms, J. H. Hall.

Ass't. sergeant at arms, and door keeper, H. J. Muldoon.

Enrolling clerk, Miss Altha Childs.

Engrossing clerk, J. F. Mercer.

Day watchman, John H. Beall.

Night watchman, A. G. Watson.

Janitor, A. G. Green.

Pages, Joseph Ryan and William Flynn.

Chaplain, B. E. H. Warren.

In accordance with the resolution the chair appointed Messrs. Ramsey, Langhorne and Brown.

On motion of Hill the rules of the House of the Fourth Session were adopted until the report of a committee of rules of this House can be had.

Messrs. Hill, Loeb, Whipple, Leehey and McIntire were appointed a committee on rules and joint rules. On motion of Hill the House adjourned until 10 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

SECOND DAY.

House of Representatives,
Helena, Montana, January 5, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Minutes of the first day read and approved.

The House took a recess pending the return of the committee appointed to wait upon the Senate. House resumed and Ramsey of the committee reported that the joint committee had waited upon His Excellency the Governor and that he had signified his desire to meet the Senate and House in joint session at the hour of 2 P. M. of this day. The committee further reported that they had agreed with the committee on the part of the Senate, that the two bodies should meet within the bar of this House at the hour of 1:45 P. M. in joint session and proceed to the Auditorium there to receive the message from His Excellency the Governor.

On motion of Hill the report of the committee was accepted.

MESSAGES FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, January 4, 1897.

Mr. Speaker.

I have the honor to inform you that the President has appointed Senators Smead, Norris and Ramsdell to act with a like committee to be appointed by Your Honorable body to wait upon his Excellency, the Governor and inform him that the two Houses are organized, and ready to receive any communication which he may have to make.

Very Respectfully,
JOHN BLOOR,
Secretary.

On motion of Greenfield the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

JOINT SESSION.

The Honorable the Senate of the State of Montana having been announced they were invited within the bar of the House and the Senate and House resolved itself into joint session, Lieut. Gov. A. E. Spriggs in the chair.

The rolls of the Senate and House were called and a quorum of the respective bodies were found to be present. The joint session then proceeded to theAuditorium where His Excellency the Governor delivered to them his message.

Upon return of the House upon motion of Senator Campbell the joint session dissolved.

On motion of Ramsey the House adjourned.

DAVID MARKS,
Chief Clerk.

THIRD DAY.

House of Representatives,
Helena, Montana, January 6, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of second day read and approved.

MOTIONS AND RESOLUTIONS.

Leehey presented the following resolution which was adopted:

Resolved that one thousand copies of the message of His Excellency Governor Smith be printed in pamphlet form, for the use of the members of the House, and that one third of these be placed at the disposal of the Sergeant at arms of the Senate.

MESSAGE FROM THE GOVERNOR.

The following communication was received:

Mr. Speaker, and Gentlemen of the House of Representatives:

I have appointed A. B. Keith to be private secretary to the Governor for a period of one month from January 4th.

Respectfully,
ROBERT B. SMITH,
Governor.

Clem, of Granite, was excused from further attendance during the day on account of sickness.

NOTICE OF INTRODUCTION OF BILLS.

Notice of the introduction of bills were given as follows:

By Loeb:

An act providing for proposals for loaning county funds and defining duties of County Clerks and Recorders, Treasurers and County Commissioners with references thereto and repealing all other acts and parts of acts in conflict therewith, and especially Section 4367 Chapter III, Article II of the Political Code of the State of Montana.

Also,

An Act providing for the incorporation, operation and management of co-operative associations.

Also,

A Bill for an Act amending Sections 220, 221, 222 and 224 and repealing 223 of the Political Code of the State of Montana relative to and reducing the compensation of members, officers and employees of the Legislative Assembly.

Also,

An Act providing for proposals for loaning State funds and defining duties of Secretary of State, Governor, State Auditor, Attorney General and State Board of Examiners with reference thereto, and repealing all Acts, and parts of Acts in conflict therewith.

Also,

A Bill for an Act to amend Section 2640 of the Political Code of the State of Montana relative to Road taxes.

Also,

A Bill for an Act abolishing the office of City Treasurer of incorporated cities and making the County Treasurer wherein said incorporated cities are located, ex-officio Treasurer and amend Sections 4740, 4870 and 4350 of the Political Code of the State of Montana, to be consistent with said Act and repealing Sections 4767 and 4783 of the Political Code of the State of Montana, and all Acts and parts of Acts inconsistent with this Act.

Also,

A Bill for an Act amending Sections 4594 and 4596 of the Political Code of the State of Montana relative to and reducing the annual compensation or salaries for services of county officers in the various classes of Counties.

Also,

An Act providing for the appointment of commissioner for the promotion of uniformity of Legislation in the United States.

Also,

An Act providing for the establishment of a board of conciliation, and prescribing the mode of procedure for the same, and to repeal all Acts and parts of Acts in conflict therewith.

Also,

An Act making it unlawful for any Judge or County Officers to charge soldiers or seamen or the widows, or orphans or legal representatives thereof, an fee for services in matters pertaining to pensions or pension dues.

Also,

A Bill for an Act repealing Sections 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776 and 777 of the Political Code of the State of Montana being all of Article XXII Chapter III, Title I, Part III of said Code.

Also,

An Act to amend Sections 2660 and 2661 of the Political Code of the State of Montana, relative to Road Supervisors.

Also,

Also an Act to amend Sections 515 and 517 of Title II, Chapter III of the Code of Civil Procedure of the State of Montana, relative to the time of commencing actions other than the recovery of Real Property.

Also,

A Bill for an Act amending Section 374 of the Political Code of the State of Montana relative to and reducing the salary of the Governor of the State of Montana.

Also,

A Bill for an Act amending Section 446 of the Political Code of the State of Montana, relative to and reducing the salary of the State Treasurer of the State of Montana.

Also,

A Bill for an Act amending Section 425 of the Political Code of the State of Montana, relative to and reducing the salary of the State Auditor of the State of Montana.

Also,

A Bill for an Act amending Section 411 of the Political Code of the State of Montana, relative to and reducing the salary of the Secretary of State of Montana.

Also,

A Bill for an Act amending Section 890 of the Political Code of the State of Montana, relative to and reducing the salary of the Reporter of the Supreme Court.

Also,

A Bill for an Act amending Section 481 of the Political Code of the State of Montana, relative to and reducing the salary of the Superintendent of Public Instruction.

Also,

A Bill for an Act amending Section 472 of the Political Code of the State of Montana, relative to and reducing the salary of the State Land Agent.

Also,

A Bill for an Act amending Section 461 of the Political Code of the State of Montana, relative to and reducing the salary of the Attorney General of the State of Montana.

Also,

A Bill for an Act amending Section 550 of the Political Code of the State of Montana, relative to and reducing the salary of the Inspector of Boilers.

Also,

A Bill for an Act amending Section 552 of the Political Code of the State of Montana, relative to and reducing the salary of the Assistant Inspector of Boilers.

Also,

A Bill for an Act amending Section 3013 of the Political Code of the State of Montana, relative to and reducing the salary of the State Veterinary Surgeon.

Also,

A Bill for an Act amending Section 875 of the Political Code of the State of Montana, relative to and reducing the salary of the Clerk of the Supreme Court.

Also,

A Bill for an Act to repeal Sections 4560, 4561, 4562, 4563, 4564, 4565, 4566, 4567, 4568, 4569 and 4570, of the Political Code of the State of Montana, being all of Article XII, of Chapter III, Title II, Part IV, of said Political Code creating the office of County Auditor and providing for his duties.

Also,

A Bill for an Act amending Section 392 of the Political Code of the State of Montana, relative to the compensation of the Lieutenant Governor.

By O'Malley:

A Bill for the prohibition of gambling in the State of Montana.

By McCabe:

A Bill regulating Water Rights and provide for District Water Commissioner.

By Lewis:

A Bill relating to the liabilities of employer to employee.

Also,

A Bill providing for the protection of range lands from fires emenating from Railway systems within the State of Montana.

By Mulville:

A Bill entitled an Act for the pensioning of men and women over sixty-five years of age.

By Whiteside:

A Bill for an Act to provide for the appraisement, reappraisement, sale and lease of State lands and improvements thereon.

By Leehey:

A Bill for an Act to amend Sections 2130 and 2131 of Chapter II, of Title IV, of Part III of the Code of Civil Procedure of the State of Montana, relating to liens for work and labor done and material furnished.

Also,

A Bill for an Act to amend Section 895 of Chapter IV, of Title VII, of Part II of the Code of Civil Procedure of the State of Montana, relating to the manner of levying attachments upon Real and Personal property.

By Penwell:

A Bill for an Act to alter the penalty in the larceny of cattle and horses.

By Mulville:

A Bill for an Act to provide for the taxation af Fire Insurance companies.

Also,

A Bill for an Act concerning taxes on inheritances.

By Greenfield:

A Bill for an Act to provide for the use of the label of the International Typographical Union on all printing chargeable to the State of Montana;

Also,

A Bill for an Act to amend Section 1778, Article IV, of the Political Code relating to the election of school trustees.

Also,

A Bill for an Act to establish and maintain a uniform system of free text books in the public schools of Montana.

By McMahon:

A Bill for an Act in relation to a Mining Law for Quartz and Coal mines and prescribing the duties and power of the Mining Inspector.

By Perinne:

A Bill entitled: An Act to provide for the summoning of Jurors by registered mail.

Also,

A Bill entitled "An Act to amend Section 2770 of the Political Code relating to the laying out of roads".

Also,

A Bill entitled "An Act amending Section 4594 of the Political Code providing for the salaries of the County officers.

By Shiffelbin:

A Bill for an Act providing for Free Text Books in the Public Schools of the State.

By Buckley:

A Bill on Mining and Mines.

By Brown:

An Act to create the County of Rosebud. To define its boundaries and to provide for its organization.

By McNally:

A Bill for an Act to regulate the hours of labor on all State works, municipal corporations, and all public corporations and to regulate the wages and to provide for the penalties for the violation of this Act and to create Sections 720. 721 and 722.

By Humber:

A Bill for an Act to create the County of Powell, to define its boundaries and to provide for its organization and government.

By Clem:

A Bill to amend Section 1942 apportioning the School Funds to the several districts.

By Whiteside:

A Bill for an Act to extend and define the boundaries of Flathead County.

Also,

A Bill for an Act appropriating money to pay for equipment and improvement of the Soldier's Home and grounds.

By Elliott:

A Bill for an Act providing for the submission to the qualified voters or electors of the State an amendment to Section I and 20, Article 5 of the Constitution relating to the Legislative Department.

By Whipple:

A Bill to create the County of Broadwater, define the boundaries and providing for the organization of the same.

COMMUNICATIONS.

The following communication was received:

Helena, Montana, Jan. 5th, 1897.

To the—
Hon. Speaker of the House of Representatives,
Dear Sir:

In accordance with an established custom of extending the courtesy of free telephone service to public bodies, I desire on behalf of the Rocky Mountain Bell Telephone Company, to place at the disposal of your Honorable Body a long distance telephone, to be located as you may direct; and further to extend the free use of our toll lines to members, when called for from this instrument or any public station in the City of Helena.

Yours truly,
H. SOMMERS,
Superintendent.

On motion of Langhorne the thanks of the House were extended to Mr. Sommers and the Clerk was directed to inform the Sergeant-at-Arms to have the telephone placed in his office for the use of the members.

The following communication was received:

Helena Public Library,
Helena, Montana, January 6, 1897.

Hon. J. M. Kennedy,
Speaker of the House of Representatives,
Dear Sir:

The Trustees of the Helena Public Library wish to extend to the members of the State Legislature a cordial invitation to make use of all privileges of the public library during the session of the Fifth Legislative Assembly.

Yours Respectfully,
FRANK C. PATTEN,
Librarian.

On motion of Langhorne the invitation was accepted and the Chief Clerk was directed to notify the Librarian of the fact and to extend to him the thanks of this body.

On motion of Ramsey, the Speaker of the House was authorized to ap-

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point a clerk for his use, and that when the services of such clerk was not required by the Speaker, that he be at the service of the Chief Clerk or one of the House Committees.

On motion of Humber the House adjourned.

DAVID MARKS,
Chief Clerk.

FOURTH DAY.

House of Representatives,
Helena, Montana, January 7, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, quorum present.

Prayer by the chaplain.

Journal of the third day read and approved.

REPORTS OF COMMITTEES.

The following report was received:

Mr. Speaker:

Your committee on Rules and Joint Rules beg leave to make the following report, as the rules of the Fifth Legislative Assembly of Montana:

ROBERT B. HILL,
H. W. McINTIRE,
ALBERT L. LOEB,
C. A. WHIPPLE,
M. D. LEEHEY.

On motion of Langhorne the report and the rules submitted therewith were made a special order for 11 A. M. tomorrow, with the exceptions of rule 8 and 10 which were adopted. They are as follows:

RULE VIII.

OF COMMITTEES.

1. The speaker shall appoint the following standing committees, to consist of such number of members not exceeding eleven, as he may elect, unless otherwise specially ordered by the House:

1. Ways and Means.
2. Appropriations.
3. Judiciary.
4. Privileges.
5. Agriculture and Stock Growing.
6. Mines and Mining.
7. Townships and Counties.
8. Education.

9. Military Affairs.
10. Federal Relations.
11. Internal Improvements.
12. Improvements and Manufacturing.
13. State Lands.
14. Irrigation and Water Rights.
15. State Boards and Officers.
16. Labor.
17. Apportionment and Representation.
18. Railroads and Transportation.
19. State Institutions, Public Buildings and Grounds.
20. Fish and Game.
21. Affairs of Cities.
22. Rules and Joint Rules.
23. Mileage and per Diem.
24. Immigration.
25. Printing.
26. Engrossment.
27. Enrollment.
28. Libraries.
29. Insurance.
30. Highways.

2. He shall appoint all Select Committees which shall be ordered by the House from time to time, unless otherwise ordered by the House.

3. The first named member of each committee shall be the Chairman; and in his absence, the next member named, and so on, as often as the case may happen.

RULE X.

ORDER OF BUSINESS.

The first business of each day's session shall be prayer by the chaplain, roll call, reading of the journal of the preceding day, and the correction of any errors that may be found to exist therein, after which the order of business shall be as follows:

1. Presentation of petitions.
2. Notices.
3. Reports of Standing Committees.
4. Reports of Select Committees.
5. Introduction of Bills.
6. Motions and Resolutions.
7. Reading of House Bills, Resolutions and Memorials.
8. Consideration of Messages from Governor or Senate.
9. Third reading of House Bills.

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10. Third Reading of Senate Bills.
11. Consideration of the General Orders.
12. Unfinished Business.

MESSAGE FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, January 6, 1897.

Mr. Speaker:

I have the honor of informing you that Senator Ramsdell has given notice of the introduction of the following bill.

A Bill for an Act to amend Section 3690 of the Political Code of the State of Montana relating to the assessment of property, making resident and non-resident mortgagees pay taxes upon their mortgages in this State, the mortgagers only, to pay taxes upon the value of the property less the value of the mortgage upon it.

That Senator Ramsdell has given notice of the introduction of a bill for the appraisement of all State lands.

That Senator Smead has given notice of the introduction of a Bill to provide for the erection and completion, furnishing and equipments of buildings for the University of Montana.

Yours Respectfully,
JOHN BLOOR,
Secretary of the Senate.

Mr. Speaker announced the following Committees:

STANDING COMMITTEES OF THE HOUSE.

Ways and Means—Ramsey, Owsley, Clark, Langhorne, W. M. Kelly, Metlin, Lindsay.

Appropriations—Cochrane, Butler, Warren, Ramsey, O'Connor, O'Malley, Power

Judiciary—Leehey, Campbell, Clark, Hepner, Langhorne, Stanton, Stephens, Loeb, Penwell.

Privileges and Elections—Showlin, J. N. Kelly, Longstaff, Marcum, McMahon, Hart, Owens.

Agriculture and Stock Growing—Brown, Perrine, Owens, J. N. Kelly, Metlin, Greenfield, Armitage, Morgan, Taylor.

Mines and Mining—Dee, Buckley, Morton, Owsley, Bruffy, Sanford, White,

Towns and Counties—Whipple, McCabe, Cochrane, O'Connor, Ramsey, Marcum, Brown, Woods, Power.

Education—Greenfield, Stephens, Morgan, Buckley, Whitesides, Elliott, W. M. Kelly, Sanford, McIntyre, Marcum, Leehey.

Military Affairs—W. M. Kelly, Armitage, Caldwell, Shiffelbin, Brown, W. J. Kennedy, Watkins.

Federal Relations—Stanton, Phillips, Sullivan, White, Whitesides.

Internal Improvements—Buckley, Power, Kennedy, W. J., Sullivan, Metlin.

Incorporations and Manufacturing—Elliott, Taylor, Loeb, McNally, Newton.

State Lands—Whitesides, Stephens, Warren, Watkins, Dee, Morton. Phillips.

Irrigation and Water Rights—Armitage, White, Shovlin, Stanton, Bruffy. O'Mally, McCabe.

State Boards and Officers—Humber, Penwell, W. M. Kelly, Butler, Bourne, Buckley, Gilna, Carroll, Longstaff.

Labor—McNally, Bartlett, Evans, Carroll, Sanford, Hart, Lindsay.

Apportionment and Representation—McCabe, Stork, Mulville, McIntyre, Bruffy.

Railroads and Transportation—Clark, Whipple, Campbell, Owsley, McCabe, O'Connor, Stanton.

State Institutions, Public Buildings and Grounds—Langhorne, Warren, Hewitt, Phillips, Ramsey, Sullivan, Butler, Cochrane, Hill.

Fish and Game—Caldwell, Longstaff, Bourne, Clem, W. J. Kennedy, Lewis, Penwell, Shiffelbin, Hart.

Affairs of Cities—Hepner, Shovlin, Newton, Humber, Mulville, Wamsley, Carroll.

Rules and Joint Rules—Hill, Loeb, Whipple, Leehey, McIntyre.

Mileage and per Diem—Perrine, Bourne, Bartlett, Edwards, Clem, Mulville, O'Malley.

Immigration—Butler, Dee, Lindsay, Morton, Penwell, Stork, Woods.

Printing—O'Connor, Lewis, Cochrane, Greenfield, Bartlett.

Engrossment—Stork, Morgan, Gilna, McMahon, Shovlin, Wamsley, Taylor.

Enrollment—McIntyre, Hewitt, Shiffelbin, Owens, Penwell.

Libraries—Wamsley, Owsley, Watkins, Longstaff, McNally.

Insurance—Campbell, Power, Perrine, Woods, Newton, Caldwell, Hepner, Hill, Lewis.

Roads and Highways—Bruffy, J. N. Kelly, Marcum, Morgan, Evans.

Campbell asked to be excused from the chairmanship of the Committee on Insurance. Stanton asked to be excused from the chairmanship of the Committee on Federal Relations. Shiffelbin asked to be excused from serving on the Committee on Fish and Game .

MESSAGES FROM THE GOVERNOR.

The following communications were received:

Executive Office,
Helena, Montana, January 7, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I herewith submit without recommendation a communication from His

Excellency the Governor of the State of Nebraska, relating to the Trans-Mississippi Exposition to be held in the city of Omaha, Nebraska, in the year 1898.

Respectfully,
ROBERT B. SMITH,
Governor.

Executive Office,
Helena, Montana, January 7, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I submit herewith for your consideration a letter from His Excellency the Governor of the State of Idaho, bearing date June 9, 1896, relating to the more specific determination of the boundary line between the states of Idaho and Montana. I recommend the creation of a Joint Commission by the Fifth Legislative Assembly to co-operate with a similar Commission to be created by the Legislative Assembly of the State of Idaho in the matter of defining said boundary line.

Respectfully,
ROBERT B. SMITH,
Governor.

Executive Office,
Helena, Montana, January 7, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

The warranty deed herewith transmitted purports to convey to the State of Montana certain realty as a site for the Home for Orphans, Foundlings and Destitute children. Through an error the wrong land was conveyed to the State, such error having been corrected through the issuance of a new deed. An act of the Legislature will be necessary to reconvey to the grantors the realty named in this erroneous deed, and I recommend that such an act be passed.

Respectfully,
ROBERT B. SMITH,
Governor.

Executive Office,
Helena, Montana, January 7, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I herewith submit for your consideration a statement of the Deficiency Bills reported from the State Board of Examiners for the fiscal years 1895 and 1896, with the Bills to which the said statement refers. The difference in the totals shown by this statement and the estimates that appeared in my message to the fifth Legislative Assembly is due to the incorporation of certain accounts held by the Board of Examiners for payment from the revenues of the fiscal year 1896, and which were added to other deficiency bills, after the close of the fiscal year 1896, when it was found that the revenues were not sufficient to cover them.

Respectfully,
ROBERT B. SMITH,
Governor.

NOTICE OF THE INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By O'Malley:

A Bill for an Act for the establishment of an 8 hour day in mines and smelters and other public works where more than one shift is worked.

By Sanford:

A Bill to set off that portion of Meagher county lying along the Northern range of Little Belt mountain range into Cascade county.

By Carroll:

A Bill for an Act to amend Chapter 4, of Title 10, Part III of the Political Code relating to the assessment of net proceeds of mines.

Also,

A Bill for an Act relating to the assessment and taxation of franchises and property held or used for the furnishing, supply or sale of water or water power.

Also,

A Bill for an Act providing for the taxing of Insurance companies.

By Sanford:

A Bill for the creation of a Railroad Commissioner in this state, said commissioner to be elected by the people of Montana.

Also,

A Bill making the office of Boiler Inspector and Mining Inspector elective instead of appointive.

By Dee:

A Bill for an Act to provide for free scholarships at the School of Mines of Butte.

Also,

A Bill regulating the hours of Stationery Engineers and fixing the penalty for the violation thereof.

By Stork:

A Bill to prohibit the killing of Prairie Chickens, Partridge, Grouse and Quail, Elk, Deer and Antelope for a period of two years.

Also,

A Bill to dispense with the office of Game Warden.

By Butler:

A Bill for the appointment of a commission by the Governor for the survey of the State line between the International boundary line and summit of the Bitter Root range of mountains running between Flathead and Missoula County Montana, and Kootenai County, of Idaho.

Also,

A Bill repealing Section 3, of Section 517 of the Code of Civil Procedure relating to the time of commencing actions.

Also,

A Bill amending Sections 953, 954, 955, Chapter III, Title VIII, of the Civil Code relating to stock killed or injured by railroads.

By Evans:

A Bill for an Act to have all cages used in mines cased in.

By Leehey:

A Bill for an Act to provide for the licensing of Insurance Corporations in the State of Montana.

By Whiteside:

A Bill to empower the Governor to accept for the State the conditions imposed by an act of Congress entitled an Act to provide aid to State Homes for the support of disabled soldiers in the United States and to designate the State Auditor as the proper person to receive and receipt for any monies which may become due the State under said act.

By Leehey:

A Bill for an Act to prohibit employers from deducting or withholding from the wages or compensation of employees any sum for medical or surgical care or attention, without the previous knowledge and consent of such employe, and to prevent coercion or intimidation in obtaining such consent.

Also,

A Bill for an Act to provide for the incorporation of hospital associations, the definition of their powers, and the enumeration of their privileges.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Shiffelbin:

H. B. No. 1, An Act to establish and maintain a uniform series of text books in the Public Schools of Montana.

Read 1st and 2nd time and ordered printed.

By Leehey:

H. B. No. 2, For an Act to amend sections 2130 and 2131 of Chapter II, of Title IV, of Part III, of the Code of Civil Procedure of the State of Montana, relating to liens for work and labor done and materials furnished.

Read 1st and 2nd time and ordered printed.

By McNally:

H. B. No. 3, An Act to regulate the hours of labor on pubic works.

Read 1st and 2nd time and ordered printed.

By Greenfield:

H. B. No. 4, A Bill for an Act to provide for the use of International Typographical Union Label on all State printing.

Read 1st and 2nd time and ordered printed.

Also,

H. B. No. 5. A Bill for an Act to amend Section 1778 of the Political Code, approved March 11, 1895.

Read 1st and 2nd time and ordered printed.

Also,

H. B. No. 6, A Bill for an Act to establish and maintain a uniform system of free text books in the Public Schools of Montana.

Read 1st and 2nd time and ordered printed.

H. B. No. 7, A Bill, an Act for the pensioning of men and women over the age of sixty-five years.

Read 1st and 2nd time and ordered printed.

On motion of Ramsey the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called, Quorum present.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mulville:

H. B. No. 8, A Bill for an Act concerning an inheritance tax.

Read 1st and 2nd time and ordered printed.

By Perrine:

H. B. No. 9, An Act regulating salaries of County Officers.

Read 1st and 2nd time and ordered printed.

By Leehey:

H. B. No. 10, A Bill for An Act to amend Section 895 of Chapter IV, of Title VII, of Part II, of the Code of Civil Procedure of the State of Montana, relating to the manner of levying attachments upon real and personal property.

Read 1st and 2nd time and ordered printed.

By Mulville:

H. B. No. 11, An Act to provide for the taxation of Fire Insurance Companies.

Read 1st and 2nd time and ordered printed.

Mr. Speaker invited Loeb, Speaker pro tem to the chair.

The following bills were introduced:

By Loeb:

H. B. No. 12, An Act providing for proposals for loaning County funds and defining the duties of the County Clerk and Recorder Treasurer and County Commissioners with reference thereto, and repealing all other Acts and parts of Acts in conflict therewith, and especially Section 467, Chapter III, Article II of the Political Code of the State of Montana.

Read 1st and 2nd time and ordered printed.

Also,

H. B. No. 13, An Act providing for proposals for loaning State funds, and defining the duties of the Secretary of State, Governor, State Auditor and

Attorney General and State Board of Examiners with reference thereto, and repealing all Acts and parts of Acts in conflict therewith.

Read 1st and 2nd time and ordered printed.

Also,

H. B. No. 14, A Bill for an Act abolishing the office of City Treasurer of incorporated cities, and making the County Treasurer wherein said incorporated cities are located, ex-officio City Treasurer, and amending Sections number 4740, 4870, and 4350 of the Political Code of the State of Montana, to be consistent with said Act, and repealing Sections 4767 and 4788 of the Political Code of the State of Montana, and all Acts and parts of Acts inconsistent with this Act.

Read 1st and 2nd time and ordered printed.

Also,

H. B. No. 15, A Bill for an Act to amend Section 2640 of Political Code of the State of Montana relative to Road Taxes.

Read 1st and 2nd time and ordered printed.

Also,

H. B. No. 16, An Act to amend Sections 2660 and 2661 of the Political Code of the State of Montana, relating to Road Supervisors.

Read 1st and 2nd time and ordered printed.

By Buckley:

H. B. No. 17, An Act providing for further protection of underground miners.

Read 1st and 2nd time and ordered printed.

Also,

H. B. No. 18, Bill to amend Sections 580 and 584 of Political Code relating to Inspector of Mines.

Read 1st and 2nd time and ordered printed.

By unanimous consent Ramsey introduced House Bill No. 20, A Bill for An Act appropriating to J. D. Taylor, Fred Foster and E. S. Stackpole the sums of money respectfully herein named for services rendered the Fifth Legislative Assembly of the State of Montana.

Read first and second times, rules suspended and referred to the committee on appropriations.

On motion of Mr. Speaker, upon the floor of the House, the Committee on Rules were directed to report a rule providing that after the first and second reading of all bills, they be referred to and apportioned to appropriate committees before being ordered printed.

On motion of Campbell all bills this day referred to the Committee on Printing were recalled.

Mr. Speaker resumed the chair.

On motion of Penwell the chair appointed Stanton, McIntire and Shiffelbin to apportion the Governor's message to the proper committees.

Bills recalled from the Committee on Printing were referred as follows:

House Bill No. 1 to the Committee on Education.

House Bill No. 2 to the Committee on Judiciary.

House Bill No.3 and 4 to the Committee on Labor.

House Bill No. 5 and 6 to the Committee on Education.

House Bill No. 7 and 8 to the Committee on Judiciary.

House Bill No. 9 to the Committee on Ways and Means.

House Bill No. 10 to the Committee on Judiciary.

House Bill No. 11 to the Committee on Insurance.

House Bill No. 12 to the Committee on Ways and Means.

House Bill No. 13 to the Committee on State Boards and Officers; No. 14 to the Committee on Affairs of City, No. 15 and 16 to Committee on Highways, No. 17 and 18 to the Committee on Mines and Mining.

The following report was received:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 20, a Bill for An Act appropriating to J. D. Taylor, Fred Foster and E. S. Stackpole the sums of money therein named respectfully recommend its passage.

W. H. COCHRAN,
Chairman.

On motion of Kennedy the rules were suspended, House Bill No. 20 was considered engrossed, read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Lindsay, Lewis, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shiffelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker. —66.

Noes—None.

Absent—Leehey, Wamsley. Total—2.

On motion of Cochran the House adjourned.

DAVID MARKS,
Chief Clerk.

FIFTH DAY.

House of Representatives,
Helena, Montana, January 8, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, quorum present.

Prayer by the Chaplain.

Journal of the fourth day read and approved.

Campbell stated that he had reconsidered his action in withdrawing as Chairman of the Committee on Insurance and if agreeable to Mr. Speaker he would accept. Mr. Speaker announced that Campbell should remain as Chairman of the Committee.

Mr. Speaker announced Clark on the Committee on Fish and Game in place of Shifelbin, and Stephens as Chairman of the Committee on Federal Relations in place of Stanton, declined.

The following communications were received:

Executive Office,
Helena, Montana, January 7, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

No funds are available to meet the immediate expenses of the Fifth Legislative Assembly, as no warrants to cover such expenses can be drawn until an appropriation is made for that purpose. I therefore recommend that a small sum be appropriated at once to meet the immediate expenses of the Legislative Assembly.

Respectfully,
ROBERT B. SMITH,
Governor

Executive Office,
Helena, Montana, January 8. 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I herewith transmit a statement of appeals to the Legislative Assembly from the findings of the State Board of Examiners, together with five separate appeals. These claims were filed with the Board and under the law the Board has acted upon them, rejecting the claims upon which the appeals are based. I would respectfully call your attention to the reasons of the Board as assigned in each case for the rejection of the claim.

Respectfully,
ROBERT B. SMITH,
Governor

The following communication was received:

Senate Chamber,
Helena, Montana, January 7, 1897.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that notices of the introduction of bills have been given as follows:

By Senator Riddell:

A Bill for an Act entitled An Act to revise the laws in reference to the State Militia of the State of Montana, and the repeal of certain laws named in this Act.

By Senator Metzell:

A Bill for an Act creating the office of Meat and Milk Inspector and defining the duties and powers thereof.

Also,

A Bill for an Act to amend Sections 880 and 883 of the Political Code of the State of Montana, relating to Grand Larceny and Petit Larceny, and making it felony to steal live-stock regardless of value.

By Senator Watt:

A Bill for an Act to establish a uniform series of text books for the public schools of Montana, and to provide for the supply of same.

By Senator Auld:

A Bill to provide for the purchase and distribution of school text books in the State of Montana.

By Senator Ramsdell:

A Bill to provide for the payment of taxes semi-annually.

By Senator Norris:

A Bill to amend sub-division 11, Section 1222, Chapter I, Title IX, of the Code of Civil Procedure, relating to exemption from execution.

I have been further instructed by the Senate to inform your Honorable body, that the following bills have been introduced.

By Senator Smead:

S. B. No. 1. A Bill for an Act to provide for the erection, completion, furnishing and equipment of the buildings for the University of Montana.

Referred to Committee on Public Buildings, after 1st and 2nd reading.

By Senator Ramsdell:

S. B. No. 2, A Bill for an Act, entitled an Act to amend Section 3690, of the Political Code of Montana, relating to assessments of Real Estate and mortgages.

Referred to Committee on Judiciary, after 1st and 2nd reading.

Yours Respectfully,
JOHN BLOOR,
Secretary of Senate

Notices of the introduction of bills were given as follows:

By Clem:

A Bill to provide for the stocking of lakes and streams with fish and their protection.

By Taylor:

A Bill to add new section to Article III, Chapter IV, Title V, Part III, of Penal Code, relating to compensation for trustees of Orphans Home.

By Carroll:

A Joint Memorial to Congress for an Act to establish government savings banks.

Also.

A Bill for Joint Memorial to Congress asking for an amendment to the Constitution of the United States for the election of United States Senators by the people for a term of not longer than two consecutive terms.

Also.

A Bill for an Act to prevent public officers accepting, and common carriers giving to public, passes or transportation taken without payment of full compensation thereof.

By Ramsey:

An Act to amend Section 442 of Article VII, Chapter III, Title I, Part III, of the Political Code of the State of Montana, relating to State Treasurer.

By Watkins:

A Bill for an Act to amend Section 2620, Chapter II, Article III, of the Political Code, concerning the use of highways.

By Shiffelbin:

A Bill for an Act providing for the classification of the railroads in this State and the regulation of passenger charges and freight rates thereon.

By Lewis:

A Bill to amend Section 516 of the Code of Civil Procedure by adding a sub-division thereto.

Also,

An Act to amend Section 517 of the Code of Civil Procedure by repealing sub-division three thereof.

By Armitage:

A Bill for an Act empowering County Commissioners to appoint a commission on Irrigation.

Also,

A Bill for an Act authorizing submission to the electors of Montana an amendment to Section 16, Article 12, of the Constitution relating to the taxation of railroads.

By Hill:

A Bill entitled an Act providing for the submission to the qualified electors of the State of Montana, an amendment to Section 2, Article 14, of the Constitution relating to the rights of suffrage and qualifications to hold office.

By McIntyre:

A Bill for an Act to prevent Indians running at large off their reservations in the State of Montana.

By Penwell:

A Bill to annex to Lewis and Clarke County all that portion of Meagher

County lying west of White's Gulch and between the Missouri River and the Big Belt mountains.

Also,

A Bill to abolish the doctrine of fellow servants in this State.

By Morton:

A Bill for an Act creating a Board of Examiners to examine all mine-inspectors, mine managers and mine foremen in relation to their qualifications and duties.

By Leehey:

A Bill to amend Section 897 and 898, Chapter V, Title XII, Part I, Penal Code, State of Montana, relating to larceny of gas, water and electric currents for light and power purposes.

Also,

A Bill to amend Section 1641 of Chapter IX, Title XI, Part II, Code of Civil Procedure, State of Montana, relating to executions from justice of the peace courts.

Also,

Bill for an Act to amend Sections 1632 and 1633, Chapter VII, Title XI, Part II, Code of Civil Procedure of the State of Montana, relating to abstracts of justice of the peace judgments.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

We, the undersigned Committee on Labor appointed by your Honorable body, beg leave to report as follows on House Bill No. 3, entitled An Act to regulate the hours of labor on public works.

That it is the sense of this Committee that this Bill be ordered printed as the rules may provide.

J. E. McNALLY, Chairman,
E. J. SANFORD,
WM. J. EVANS,
EMMETT R. CARROLL,
WILLIAM LINDSAY,
GEO. F. BARTLETT,
JAMES J. HART.

House Bill No. 3 was ordered printed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Clem:

H. B. No. 19, A Bill for an Act to amend Section 1942 apportioning school funds to the several school districts.

By Humber:

H. B. No. 21, An Act to create the County of Powell, to define its boundaries and to provide for its organization.

By Dee:

H. B. No. 22, A Bill for an Act regulating the hours of stationary engineers, and fixing the penalty for violation thereof.

Also,

H. B. No. 23, A Bill for an Act to provide certain free scholarships at the School of Mines at Butte.

By Whipple:

A Bill for an Act entitled an Act to create the county of Broadwater.

By Brown:

H. B. No. 25, An Act to create the county of Rosebud to define its boundaries and to provide for its organization.

By Penwell:

H. B. No. 26, A Bill for an Act changing the penalty for the larceny of horses and cattle.

By Loeb:

H. B. No. 27, A Bill for an Act amending Section 374 of the Political Code of the State of Montana, relating to and reducing the salary of the Governor of the State of Montana.

By Elliott:

H. B. No. 28, An Act providing for the submission to the qualified electors of the State of Montana an amendment to Sections 1 and 20, Article 5, of the Constitution relating to the Legislative Department.

By Sanford:

H. B. No. 29, A Bill for an Act entitled an Act to amend Sections 580 and 581 of the Political Code of Montana.

Also,

H. B. No. 30, A Bill entitled An Act to amend Sections 550 and 552 of the Political Code of Montana.

By Carroll:

H. B. No. 31, An Act to amend Chapter IV, of Title X, of Part III, of the Political Code relating to the assessment of net proceeds of mines.

Also,

H. B. No. 32, An Act relating to the assessment and taxation of franchises and property held or used for the furnishing, supply or sale of water or water powers.

By Lewis:

H. B. No. 33, An Act relating to liability of employers to make compensation for personal injuries suffered by employees in their service.

Also,

H. B. No. 34, An Act to amend Section 952 of the Civil Code of the State of Montana concerning fires caused by Railway companies or Corporations.

SPECIAL ORDERS.

The Hour of 11 A. M. for which the consideration of the report of the Committee on Rules, was made a special order, having arrived, on motion of Leehey the House resolved itself into a committee of the whole for its consideration—Hill in the chair.

House resumed.

Mr. Speaker in the chair.

Hill of the committee of the whole reported progress and leave was granted the committee to sit again.

On motion of Campbell the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called, quorum present.

REPORT OF STANDING COMMITTEES.

Ramsey of the Committee of Ways and Means reported that the Committee had held a meeting and found that they were in need of a clerk, that the committee had decided on William Goodyear and asked that the appointment be ratified by the House. On motion the appointment was ratified and William Goodyear was declared the clerk of the Ways and Means Committee.

RESOLUTIONS.

Brown introduced the following and moved its adoption:

Whereas, This being the 82nd anniversary of the battle of New Orleans; And whereas, In respect to the memory of Andrew Jackson, and in admiration of the valor of the private soldiers, who, though never before facing white men in line of battle, won a great and signal victory over the veteran soldiers of Europe, in which every loyal American can take a just measure of pride, be it resolved, that we do now adjourn not to again meet in session until Monday, January 11th, at 2 o'clock P. M.

The motion to adopt was lost.

On motion of Kennedy the House resolved itself into a committee of the Whole for the further consideration of the rules. Hill in the chair.

House resumed.

Mr. Speaker in the chair.

Hill of the Committee of the Whole was granted time in which to make his report.

Ramsey was granted leave of absence until Wednesday's session and announced that he had paired with Lewis on all political questions.

On motion of Ramsey the resolution previously introduced by Brown relating to adjournment was adopted and Mr. Speaker declared the House adjourned until 2 P. M. Monday, January 11, 1897.

DAVID MARKS,
Chief Clerk.

EIGHTH DAY.

House of Representatives,
Helena, Montana, January 11, 1897.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called, quorum present.

Absent on leave—Ramsey.

Prayer by the chaplain.

Journal of the fifth day read and approved.

On motion of Hill the House resolved itself into a committee of the whole for the further consideration of the House rules. Hill in the chair.

House resumed.

Mr. Speaker in the chair.

REPORT OF COMMITTEES.

The following report was received:

Mr. Speaker:

The Committee of the Whole to whom was referred the report of your Committee on Rules, beg leave to report the following amendments or substitutes:

As substitute for rule 9, the following:

The majority of each committee shall appoint its clerks, if such clerk or clerks are deemed necessary.

For Rule 31 the following was substituted:

All House Bills after 2nd reading shall be referred to the proper committee and if a majority of such committee recommend the passage of the Bill, 200 copies thereof as reported shall be printed.

A Bill may also be ordered printed for an affirmative vote of one third of the members of the House present.

Rule 60 amended by substituting word two for three in line one of Section 2.

R. B. HILL,
Chairman.

On motion of Watkins the report was adopted.

PETITIONS.

Petitions were received in reference to the use of the Typographical Union label on public printing, signed by, Belt Creek Miners Union, Helena Stonemasons International Union, Lewis and Clarke County Trades and Labor Assembly, Helena, Knights of Labor, Plasterers International Union, of Helena, Butte City Association of Stationary Engineers, Butte City Bakers Union, Butte City Cooks and Waiters Union, of Butte, Brotherhood of Carpenters and Joiners Union, of Butte, Butte City Plasterers Union, Butte Miners Union, Silver Bow Trades and Labor Assembly, Butte Typographical Union, Pioneer Assembly, Knights of Labor, of Butte, Iron Moulders Union of Butte, Butte City Amalgamated Society of Engineers, Great Falls Trade and Labor Assembly, Great Falls Typographical Union, Missoula Federal Labor Union, Missoula Typographical Union, Cigar Makers Union, of Helena, Helena Typographical Union, Laborers Protection Union, 670, American Federation of Labor.

The petitions were referred to the Committee on Labor.

MESSAGES FROM THE GOVERNOR.

The following communications were received:

Executive Office,
Helena, Montana, January 11, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I transmit herewith a statement of claims for labor and material furnished for the improvement of the State Reform School, which amounts in the aggregate to $3,345.49. These claims have been disallowed by the State Board of Examiners for the reason that the Appropriation or Building Fund for that Institution was exhausted. These claims were incurred by the local Boards of Trustees of the Reform School in the erection of a new building for boys. They are not properly chargeable to the maintenance of the Institution, in the opinion of the Attorney General; and in this opinion I concur, and submit the same for your action. The claims are just, and some action should be taken by your body with reference to the same.

Respectfully,
ROBERT B. SMITH,
Governor.

Executive Office,
Helena, Montana, January 11, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I transmit herewith, without recommendation, a report from the State Board of Examiners upon the question of Bounty Claims against the State of Montana. A book containing a full list of all such claims is in the Executive office and will be submitted to your Honorable body if desired.

Respectfully,
ROBERT B. SMITH,
Governor.

Executive Office,
Helena, Montana, January 11, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

In preparing my message to the Legislative Assembly I intended to refer to the Soldiers Home, but in the multitude of subjects it was overlooked.

The building is complete and ready for occupancy, if it were furnished. I submit herewith an itemized bill of necessary equipment to open the Home. As soon as the Home is opened, we will receive from the general government One Hundred Dollars per capita for each soldier admitted, and those inmates who draw pensions will be required to surrender the major part of their pensions to the management to support the institution. At present, I am reliably informed, there are between twenty-five and thirty old soldiers in our county poor-houses.

If you can see your way clear to furnish the Home and make a small annual appropriation for its support, I believe your action would be generally endorsed.

Very Respectfully,
ROBERT B. SMITH,
Governor.

Executive Office,
Helena, Montana, January 11, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I transmit herewith for your consideration a report from the State Board of Examiners relative to bills disallowed under Section 693 of the Political Code. In taking action upon the bills respectively referred to in this report your attention is called to the reasons assigned for their rejection by the Board, which are specifically given in each case.

Respectfully,
ROBERT B. SMITH,
Governor.

MESSAGES FROM THE SENATE.

Senate Chamber,
Helena, Montana, January 8th, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that notices of the introduction of bills has been given as follows:

By Metzel:

A Bill for an Act for an appropriation to Orphan's, Foundling's, and Destitute Children's Homes in the State of Montana, and to complete the Buildings for the same.

By Hoffman:

A bill for an Act Concerning Fees of Jurors in Civil Cases.

By Hannah:

A Bill for an Act to Amend Section 1361, 1404 of the Political Code, providing for the Election of County Commissioners by cumulative vote.

The following bills were introduced:

Senate Bill No. 3, by Watt, a Bill for an Act to Establish a Uniform Series of Text-books for the Public Schools of Montana, and to Regulate the supply of the same.

Senate Bill No. 4, by Auld a Bill for an Act Entitled an Act Providing for the Purchase and Sale of School Text-books in the State of Montana.

Senate Bill No. 5, by Metzel, a Bill for an Act to Amend Sections 880 and 883 of the Political Code of the State of Montana, relating to Grand Larceny and Petit Larceny, and making it a felony to steal Live Stock, regardless of Value.

Senate Bill No. 6 by Metzel, a Bill for an Act Providing for the Appointment of a Meat Inspector in Cities having Ten Thousand Inhabitants or more in the State of Montana, and prescribing the duties and powers of such Inspector, and to regulate the sale of stock, milk, and meat for the purposes of food, and prescribing penalties for the violation of the Provisions of this act.

Senate Bill No. 7, by Ramsdell, a Bill for an Act to Add to Article 2, Title 8. Part 3 of the Political Code, two additional Sections, which shall be designated and numbered No. 3520a and 3521, relating to the appraisement and assessment of school lands.

Yours Very Respectfully,

JOHN BLOOR,

Secretary of Senate.

Helena, Montana, January 8th, 1897.

Mr. Speaker:

I have the honor to inform you that House Bill No. 20, has been concurred in by the Senate, and is herewith transmitted.

Yours Respectfully,

Secretary of Senate.

H. B. No. 20 was ordered enrolled.

REPORT OF STANDING COMMITTEES.

Mr. Speaker:

Your Committee on Mileage and Per Diem beg leave to submit the following report:

We have ascertained from each member of miles for which he is entitled to mileage, and append a statement of the same to this report:

Armitage, T. C	Billings	478	miles	$ 95 00
Bartlett, G. F	Butte	144	"	28 80
Bourne, G. B	Whitlatch	636	"	127 20
Brown, J. T.	Birney	974	"	194 80
Bruffy, G. A.	Livingston	270	"	54 00
Buckley, Martin	Basin	128	"	25 20
Butler, S. H	Kalispell	706	"	141 20
Caldwell, W	Bozeman	198	"	39 60
Campbell, A. J	Livingston	246	"	49 20
Carroll, E. R	Great Falls	198	"	39 60
Clark, W. A	Virginia City	350	"	70 00
Clem, Israel	Princeton	194	"	38 80
Cochrane, W. H	Dillon	292	"	58 40
Dee, Martin	Butte	144	"	28 80
Edwards, J. C	Kalispell	742	"	148 40
Elliott, M. J	Butte	144	"	28 80
Evans	Butte	144	"	28 80
Gilna, Thomas	Combination	220	"	44 00

Greenfield, C. D	Helena	....	....
Hart, James J	Red Lodge	536 miles	$ 107 20
Hepner, H. S	Helena	....	....
Hewitt, M. L	Basin	126 “	25 20
Hill, Robt	Iron Mountain	448 “	89 60
Humber, R. G	Deer Lodge	130 “	26 00
Kelly, J. N	Springdale	358 “	71 60
Kelly, W. M	Anaconda	204 “	40 80
Kennedy, J. M	Anaconda	204 “	40 80
Kennedy, W. J	Stevensville	314 “	62 80
Langhorne, S. W	Helena	....	....
Leehy, M. D	Butte	144 “	28 80
Lindsay, Wm	Glendive	928 “	185 60
Lewis, R. X	Glasgow	742 “	148 40
Loeb, Albert I	Helena	....	....
Longstaff, Frank	Missoula	256 “	51 20
Marcum, J. E	Helmville	150 “	30 00
McCabe, J. P	East Helena	17 “	3 40
McIntyre, H. W	Miles City	774 “	154 80
McMahon, Patrick	Butte	144 “	28 80
McNally, J. E	Butte	144 “	28 80
Metlin, D. E	Dillon	292 “	58 40
Morgan, L. J	Duncan	200 “	40 00
Morton, Anthony	Sand Coulee	228 “	45 60
Mulville, Sam	Butte	144 “	28 80
Newton, C. W	Butte	144 “	28 80
O'Connor, D. P	Butte	144 “	28 80
O'Mally, Geo	Great Falls	198 “	39 60
Owens, James	Augusta	180 “	36 00
Owsley, Wm	Twin Bridges	340 “	68 00
Penwell, Lewis	Helena	....	....
Perrine, C. H	Ubet	444 “	88 80
Phillips, B. D	Phillips	662 “	132 40
Power, E. J	Missoula	250 “	50 00
Ramsey, G. L	Bozeman	198 “	39 60
Sanford, E. J	Neihart	318 “	63 60
Shiffelbin, Wm	Butte	144 “	28 80
Shovlin, D	Anaconda	204 “	40 80
Stanton, G. H	Great Falls	198 “	39 60
Stephens, W. J	Missoula	250 “	50 00
Stork, C. F	Great Falls	248 “	49 60
Sullivan, Eugene	Butte	144 “	28 80
Taylor, Thos. L	Sheridan	307 “	61 14
Wamsley, J. E	Choteau	354 “	70 80
Warren, O. Y	Warm Springs	166 “	33 20
Watkins, P. W	Lewistown	444 “	88 80
Whipple, C. A	Townsend	70 “	14 00
White, Robt	Winston	45 “	9 00
Whitesides, Fred	Kalispell	706 “	141 20
Woods, E. P	Stevensville	324 “	64 80

CHARLES H. PERRINE,
Chairman.

On motion of Kennedy the report was adopted.

O'Connor announced that the Committee on Printing had selected Richard Butler of Silver Bow as their clerk.

On motion of Clem the appointment was ratified by the House.

Cochran announced that the Committee on Appropriation had selected W. W. Beeman of Lewis and Clarke County as their clerk and on motion of Loeb the appointment was ratified by the House.

Leehey announced that the Committee on Judiciary had selected Clarence I. Boardman as their clerk and on motion of Carroll the appointment was ratified.

INTRODUCTION OF BILLS.

Cochran of the Committee on Appropriations by unanimous consent and without having given previous notice introduced House Bill No. 35, "A Bill for an Act to appropriate moneys for the payment of mileage and per diem for the members of the Fifth Legislative Assembly of the State of Montana; also for the payment of per diem of the officers and attaches thereof."

On motion of Humber the rules were suspended the bill was read first and second times and ordered printed.

RESOLUTION.

On motion of Carroll the following was adopted:

Be it resolved: Since Art. II, Sec. 3546 of the Political Code requires that the Arid Land Commissioners "shall on or before the first day of December of each year make a written or printed report to the Governor of all their acts during the preceding year" that this body respectfully request the Governor to forward a copy of same to this body.

NOTICE OF INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Watkins:

A bill to amend Sections 978, 979, 980, 981, 982, 983, 984 of Political Code Chapter 4, page 995, 976 and 977 relative to railroad passenger transportation—(Title of bill Repealing Anti-Scalper Act.)

By Caldwell:

An Act amending section 3162, Code of Civil Procedure, relating to and designating persons who cannot be witnesses.

By Leehey:

A bill for an act providing for the submission to the qualified electors of Montana of an amendment to Section 4, Article XVI of the Constitution relating to county commissioners.

By Armitage:

Bill for an act repealing Section 163, Article 2, Political Code of Montana.

By Gilna:

Bill for an act to prevent the collection of debts in certain cases.

By Carroll:

Bill for an act to condemn certain strips of land along rivers within the incorporated limits of towns or cities of Montana, the same to be public property and held and controlled by cities or towns for the establishment of industries that will require water service or water power.

Also,

Joint Memorial to Congress respectfully requesting that the United States Government proceed to acquire or control the Union Pacific railroad system and its allied lines.

By W. J. Kennedy:

Bill for an act to amend sections 4158 and 4165 of Political Code of the State of Montana relating to the removal of county seats.

Also,

Bill to provide for the printing of the annual report of the Montana State Horticultural Society of the State of Montana, and fixing the compensation of the secretary of the said society.

By Hill:

Bill to prohibit Indians, not citizens of the State, from hunting or fishing outside of their respective reservations.

Also,

A Bill to prohibit persons who are not and cannot become citizens under our laws from procuring licenses in the State.

By Penwell:

Bill to define the boundaries of Lewis and Clarke, taking in that portion of Jefferson county lying west of Winston.

On motion of Gilna the following was adopted:

JOINT RESOLUTION OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA.

Whereas, It is evident from all reliable sources of information that a State of war exists in Cuba; and,

Whereas, the Spanish authorities are using barbarous methods wholly unworthy of any civilized nation in attempting to quell the revolution which is now in full progress;

Be it Resolved, That we extend our hearty sympathy to the brave people of Cuba who are fighting so heroically for their rights.

Be it further Resolved, That we favor the recognition of Cuba to the rights of beligerents by the Congress of the United States.

On motion of Morgan the House proceeded to the election of a doorkeeper by the following vote:

Ayes—Bourne, Buckley, Butler, Caldwell, Carroll, Clem, Dee, Edwards, Elliot, Evans, Gilna, Hewett. Hill. Humber Kennedy, Lewis. McCabe. McMahon, McNally, Morgan, Mulville, Newton, O'Connor. Perrine. Phillips. Sanford, Shifelbin, Stanton, Sullivan. Taylor, Wamsley, Watkins, Whipple. Whiteside, Woods Mr..Speaker—36.

Noes—Armitage, Bartlett, Brown, Bruffy. Campbell. Clark, Cochran. Greenfield. Hart, Hepner, Kelley, J. N., Langhorne, Leehey, Lindsay, Loeb. Longstaff, Marcum, McIntire, Metlin, Morton, O'Malley, Owens, Owsley. Penwell, Power, Shovlin, Stephens, Stork. Warren, Whyte—30.

Absent—Kelley. W. M., Ramsey—2.

Clark placed Phil. McGough of Beaverhead in nomitnation.

Wamsley placed A. B. Hamilton of Teton in nomitnation.

Buckley placed Barney Shanahan in nomination.

The roll being called it resulted in the election of A. B. Hamilton by the following vote:

McGough—Armitage, Brown, Caldwell, Clark, Cochran, Hill, Kennedy, Leehey Longstaff, Metlen, Owsley, Taylor—12.

Hamilton—Bartlett, Bourne, Bruffy, Butler, Campbell, Carroll, Clem, Edwards, Elliot, Evans, Gilna, Hart, Hepner, Hewett, Kelley, J. N., Langhorne, Lindsay, Lewis, Loeb, Marcum, McCabe, McIntire, McMahon, McNally, Morgan, Morton, Mulville, O'Malley, Owens, Penwell, Perrine, Phillips, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Wamsley, Warren, Watkins, Whipple, White, Whiteside, Woods, Mr. Speaker—46.

Shanahan—Buckley, Dee, Greenfield, Newton, O'Connor, Power, Sullivan—7.

Absent—Humber, W. M. Kelley, Ramsey—3.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Butler:

House Bill No. 36. A Bill for "An Act to repeal Sub-section 3 of Section 517 of Chapter 3 Title 2 of the Code of Civil Procedure."

By Hill:

House Bill No. 37.A bill for "An Act providing for the submission to the qualified electors of the State of Montana an amendment to Section 2, of Article IX, of the Constitution, relating to rights of suffrage and qualifications to hold office.'

By Leehey:

House Bill No. 38. A bill for "An Act entiled an act to provide for the licensing of Insurance Companies doing business in the State of Montana."

By Watkins:

House Bill No. 39. A bill for "An Act to amend Sec. 2620, Chap. 2, Art. 3 of the Political Code concerning use of highways:

By Leehey:

House Bill No. 40. A bill for "An Act to prohibit employers from deducting from the wages or compensation of employes any sum of money for medical or surgical care or attention, without the previous knowledge and consent of such employe, and to prevent coercion or intimidation in obtaining such consent."

Also,

House Bill No. 41. A bill for "An Act to provide for the incorporation of hospital associations, the definition of their powers, and the enumeration of their privileges."

By Loeb:

House Bill No. 42.A bill for "An Act making it unlawful for any Judge or County officers to charge soldiers or seamen or the widows, orphans or legal representatives thereof, any fee for services in matters pertaining to pensions or pension dues."

By McIntire:

House Bill No. 43. A Bill for "An Act to prevent Indians from runnning at large off their reservation in the State of Montana."

By Whiteside:

House Bill No. 44. A bill for "An Act to extend and define the boundaries of Flathead County:"

Also,

House Bill No. 45. A bill for "An Act to provide for the appraisement and reappraisement, and sale and lease of State lands and improvements thereon;"

Also,

House Bill No. 46. A bill for "An Act to appropriate money to pay for equipment and improvement of the State Soldiers Home and Grounds."

By Carroll:

House Bill No. 47. A bill for "An Act to prevent public officers accepting and common carriers giving to public officers passes or transportation without payment of full compensation thereof."

By Armitage:

House Bill No. 48. A bill for "An Act amending Section 16 of Article 12 of the Constitution of the State of Montana."

By Perrine:

House Bill No. 49. A bill for "An Act to regulate the laying out of roads."

By Carroll:

House Joint Memorial No. 1. House Joint Memorial to Congress:

Also,

House Joint Memorial No. 2. House Joint Memorial to Congress.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 35, A Bill for an Act to Appropriate Moneys for the Payment of Mileage and Per Diem for the Members of the Fifth Legislative Assembly of the State of Montana; Also for the Payment of Per Diem of the Officers and Attaches Thereof, beg leave to report the same back to the House as being correctly printed.

D. P. O'CONNOR,
Chairman.

THIRD READING OF BILLS.

On motion of Cochran the rules were suspended, House Bill No. 35 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Evans, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kennedy, Langhorne, Leehey, Lewis, Loeb, Longstaff, Marcum, McCabe, McIntire, McNelly, Metlen, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Sanford, Shifelbin, Stanton, Stephens, Sullivan, Wamsley, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—57.

Noes—Buckley, Lindsay—2.

Absent—Elliott, Gilna, Kelley, W. M., McMahon, Morgan, Ramsey, Stork, Taylor—9.

Title agreed to.

On motion of Langhorne the House resolved itself into a Committee of the Whole for the consideration of messages from the Governor.

Langhorne in the chair.

House resumed.

Mr. Speaker in the chair.

Langhorne of the Committee of the Whole to whom was referred messages from the Governor, was granted further time in which to report.

On motion of Whipple the House adjourned.

DAVID MARKS,
Chief Clerk.

NINTH DAY.

House of Representatives,
Helena, Montana, January 12th, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Eighth day read and approved.

Shovlin was granted leave of absence for the day.

On motion of Humber the rules were suspended and the House proceeded to the consideration of order of business No. 7 "Reading of House Bills, Resolutions and Memorials."

REPORTS OF COMMITTEES.

The following report was received:

Mr. Speaker:

The Committee of the Whole, to whom was referred several communications or messages from His Excellency, the Governor, have had the same under consideration, and beg leave to report and recommend as follows: The message referring to deficiency bills be referred to the Committee on Appropriations; The message relating to corrections in certain deeds of land be referred to the Judiciary; Message pertaining to Mississippi Exposition be referred to the Committee on Ways and Means; Message relating to appeals from findings of the Board of Examiners to the Judiciary; Message relating to the State Reform School expenditures to the Ways and Means Committee; Message relating to bounties to the Committee on Stock Growing and Agriculture; Message relating to the Soldiers' Home to the Appropriations Committee; Message relating to disallowed bills to the Judiciary.

S. W. LANGHORNE,
Chairman.

On motion of Whiteside the report was adopted.

REFERENCE OF BILLS TO COMMITTEES.

House Bill No. 19 was read first and second times and referred to the Committee on Education.

House Bills Nos. 21, 24 and 25 were read first and second times and referred to the Committee on Towns and Counties.

House Bill No. 22 was read first and second times and referred to the Committee on Mines and Mining.

House Bill No. 23 was read first and second times and referred to the Committee on Education.

House Bill Nos. 26 and 28 were read first and second times and referred to the Committee on the Judiciary.

House Bill No. 27 was read first and second times and referred to the Committee ond State Boards and Officers.

On motion of Langhorne the Chaplain was excused for to-morrow.

On motion of Carroll the House took a recess until 3 P. M.

AFTERNOON SESSION.

3 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Rules and Joint Rules herewith report that after a conference with a like committee from the Senate, recommend the adoption of the Joint Rules of the 4th Legislative Assembly, without Amendment.

HILL,
Chairman.

The report was adopted.

REFERENCE OF BILLS TO COMMITTEES.

House Bill No. 29 was read first and second times and referred to the Committee on Mines and Mining.

House Bill No. 30, was read first and second times and referred to the Committee on Ways and Means.

House Bills Nos. 31, 32, 33, 36, 40, 41, 42, and 43 were read first and second times and referred to the Committee on Judiciary.

House Bills Nos. 34, 47 and 48 were read first and second times and referred to the Committee on Railroads and Transportation.

House Bill No. 38 was read first and second times and referred to the Committee on Insurance.

House Bills Nos. 39 and 49 were read first and second times and referred to the Committee on Roads and Highways.

House Bill No. 44 was read first and second times and referred to the Committee on Towns and Counties.

House Bill No. 45 was read first and second times and referred to the Committee on State Lands.

House Bill No. 46 was read first and second times and referred to the Committee on Appropriations.

House Joint Memorials Nos. 1 and 2 were read first and second times and referred to the Committee on Federal Relations.

MESSAGES FROM THE GOVERNOR.

The following communication was received:

Executive Office, Montana,
Helena, Montana, Jan. 12, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

In accordance with the request of your Honorable Body, under date January 11th, I herewith transmit a copy of the Report of the Arid Land Grant Commission for the year 1896.

Respectfully,
ROBT. B. SMITH,
Governor.

On motion the report of the Arid Land Grant Commission for the year 1896, was referred to the Committee on Public Lands.

Mr. Speaker announced that he had added to the Committee on Railroads and Transportations—Hepner, Buckley, Leehey, and Woods.

MESSAGES FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, January 12, 1897.

Mr. Speaker:

I am directed by the Senate to inform you that the following bills have been introduced in the Senate:

Senate Bill No. 8, by Metzel "For an appropriation of money for the State Orphans Home, to provide for the erections and equipments of a hospital therefor.

Senate Bill No. 9, by Norris, "For an Act to amend Sub-division 11, Chapter 1, Section 1222 of the Code of Civil Procedure relating to executions and exemptions therefrom.

Senate Bill No. 10, by Hoffman, "For an act concerning the fees of Jurors in Civil Cases.

The following notices of Bills have also been presented:

By Flowerree:

A bill for an act entitled an act to repeal Sections 760 to 777 inclusive, of the Political Code of Montana relating to the Bureau of Agriculture, Labor and Industry.

By Chandler:

"A bill for an act to provide for the registering of land titles in the State of Montana.

By Norris:

"A bill to amend Sections 502 and 503 of the Political Code of Montana, relating to the Salary of the State Examiner and his Accountant or Assistant.

Yours Respectfully,
JOHN BLOOR,
Secretary of Senate.

COMMUNICATIONS.

A communication was received from the Board of Trade of Dallas, Texas, in reference to memorializing Congress in regard to a Bankruptcy Bill. The matter was referred to the Committee on Federal Relations.

The following communication was received:

ELKS' HALL,
Helena, Montana, January 11, 1897

To the Honorable Speaker and Members of the House of Representatives of the Fifth Legislative Assembly of the State of Montana:

Gentlemen:—You are cordially invited to attend a Stag Social Session of the Helena Elks at their hall on Main street in this City, on Wednesday evening, January 13, 1897, at 8:30 o'clock.

The Session is given in honor of the members of the Legislative Assembly and the State Officers of the State of Montana.

Yours Very Respectfully,
E. D. WEED,
A. J. SELIGMAN,
HARRY SOMMERS,
LEWIS PENWELL,
L. P. SANDERS,
Committee.

On motion of Carroll the invitation was accepted and the clerk was directed to extend the thanks of the House.

REPORTS OF COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee upon Enrollment beg leave to report and return House

Bill No. 20 "An Act appropriating to J. D. Taylor, Fred Foster and E. S. Stackpole the sums herein named," correctly enrolled.

Signed,

McINTIRE,

Chairman.

Mr. Speaker announced the signing of House Bill No. 20.

The Chief Clerk was directed to make all errors in computation in the report of the Committee on Mileage.

On motion of Langhorne the Montana Bar Association were invited to meet in the Hall of the House this evening.

On motion of Sanford the House adjourned.

DAVID MARKS,

Chief Clerk.

TENTH DAY.

House of Representatives,
Helena, Montana, January 13th, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Journal of Ninth day read and approved.

NOTICE OF INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Clark:

A bill for "An Act amending Section 313, Chapter II, Title II, Civil Code, relating to adoption and adding an additional Section thereto to be known as Section 321."

By Leehey:

A Bill for "An Act licensing the sale of liquors in quantities greater than one quart, and less than six gallons and to amend Section 4064 and 4065 of the Political Code."

By Penwell:

A bill amending Section 1222 of the Code of Civil Procedure relating to exemption;

Also,

A bill to repeal Sections from 228 to 243 inclusive of divisions I, Part III, Title I, Chapter III, of the Civil Code; also Sections 3070 to 3081 inclusive of the Code of Civil Procedure all of which Sections relate to dower rights.

By Hill:

A bill for "An Act to amend Sub-division 2 of Section 4062 of Article 2 of Chapter XIII, of Political Code, relating to licenses."

By Whiteside:

A bill relating to sub-contracts on public buildings and improvements;

Also,

A bill to amend Section 2130, Chapter II, Title IV, Part III, of the Code of Civil Procedure, Section 2153, Chapter III, Title IV, Part III, Code of Civil Procedure, relating to mechanic's liens and liens for salaries and wages;

Also,

A bill regulating the granting of franchises by municipal corporations.

By Carroll:

A bill for "An Act to prevent the transaction and performance of business and work except business or work of necessity, charity, or mercy on Sunday and to amend certain laws in relation thereto;

Also,

A bill for an act in relation to eligibility of public office.

By Humber:

A bill for "An Act to create a general road fund for the respective Counties being also an amendment of Article 4, Chapter 2, Title 6, of Part 3, of the Political Code.

By Shovlin:

A bill for "An Act to prescribe when property taxes shall be payable and become delinquent."

By Leehey:

A bill for "An Act to amend Section 1080 of the Code of Civil Procedure of the State of Montana, relating to the order of proceedings in the trial of Civil Actions;"

Also,

A bill for "An Act to amend Sections 1563 of the Code of Civil Procedure relating to attachments in the Justice of the Peace Courts;"

Also,

A bill for "An Act to amend Section 1200 of the Code of Civil Procedure relating to transcript of judgment dockets and filing of the same with the District Court Clerks of counties other than that in which the judgment was rendered."

REPORT OF STANDING COMMITTEES.

The following report was received:

To the Honorable Body of the House of Representatives of the Fifth Legislature of Montana:

We, your Committee on Mines and Mining do herein most respectfully recommend that Miss Minnie S. Bowers be elected as Clerk of Committee of Mines and Mining; also that this Committee further recommends that the said Clerk of Mines and Mining be appointed by Committees on Irrigation, Water Rights, Roads and Highways.

Respectfully submitted,
MARTIN DEE,
Chairman.

On motion of Campbell the report was made a special order for 11 A. M. Monday next.

The following report was received:

Mr. Speaker and Gentlemen of the House of Representatives:

Your select committee appointed to apportion the message of Gov. Smith beg leave to submit the following as our report: All portions of said message pertaining to Public Revenues, Increase of Revenue, Reduction of Public Expenses, Costs of Legislation and semi-annual payment of taxes we assign to the Committee on Ways and Means; The recommendations as to the National Guard of Montana are assigned to the Committee on Military Affairs;

Bounty Laws to the Committee on Agriculture and Stock Growing; Capital Buildings, Insane Asylum, State Prisons to the Committee on State Institutions and Public Buildings; Public Schools to the Committee on Education; Public Lands to the Committee on State Lands; Arid Lands to the Committee on Irrigation and Water Rights; Railway Legislation to the Committee on Railroads and Transportation; Amendments of the Laws, Election Laws and the Initiative and Referendum are assigned to the Judiciary Committee. In the judgment of your committee there is no appropriate standing committee to which to refer the subject of the Initiative and Referendum.

Respectfully submitted,
GEO. H. STANTON,
H. W. McINTIRE,
WM. C. SHIFELBIN.

Watkins moved to adopt the report.

O'Malley moved to amend by accepting the report with the exception of that part relating to the Initiative and Referendum, being referred to the Judiciary Committee. The amendment was lost by the following vote:

Ayes—Bartlett, Bourne, Bruffey, Carroll, Evans, Hart, Hill, Kennedy, Lewis, Morgan, O'Malley, Sanford, Woods—13.

Noes—Armitage Butler, Caldwell, Campbell, Clark, Clem, Cochran, Dee, Edwards, Elliott, Gilna, Greenfield, Hepner, Hewitt, Humber, Kelly, J. M., Kelly, W. M., Langhorne, Leehey, Lindsay, Loeb, Longstaff, Marcum, McCabe, McMahon, McNally, Metlen, Morton, Mulville, Newton, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Warren, Watkins, Whipple, White, Whiteside, Mr. Speaker—51.

Absent—Brown, Buckley, McIntire, O'Connor—4.

The motion to adopt the report was carried.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Ramsey:

House Bill No. 50, Bill amending section 442 relating to the State Treasurer.

Read first and second times and referred to the Committee on Judiciary.

By Caldwell:

House Bill No. 51, Bill for an act entitled, An Act to amend Section 3162 of the Code of Civil Procedure.

Read first and second times and referred to the Committee on Judiciary.

By Taylor:

House Bill No. 52, Bill to add a new section to Article III., Chapter IV., Title V., Part III., of the Political Code, referring to the compensation of the Trustees of the Orphans Home.

Read first and seconds times and referred to the Committee on State Boards and Officers.

By Gilna:

House Bill No. 53, A bill for an act to prevent the collection of debts in certain cases.

Read first and second times and referred to Committee on Judiciary.

By W. J. Kennedy:

House Bill No. 54, Bill relating to the Annual Report of the Montana Horticultural Society and fixing the salary of the secretary of said society.

Read first and second time and referred to the Committee on State Institutions.

Also,

House Bill No. 55, Bill for an act to amend sections 4158 and 4165 of the Political Code of the State of Montana relating to the removal of county seats

Read first and second time and referred to the Committee on Towns and Counties.

By Leehey:

House Bill No. 56, Bill for an act providing for the submission to the qualified electors of the State of Montana of an amendment to Section 4 of article XVI. of the Constitution, relating to County Commissioners.

Read first and second time and referred to the Committee on Judiciary.

Also,

House Bill No. 57, Bill for an act to amend sections 897 and 898 of Chapter 5 of Title 13, of Part 1, of the Penal Code of the State of Montana, relating to larceny of gas, water and electric current for light and power purposes.

Read first and second time and referred to the Committee on the Affairs of Cities.

By Lewis:

House Bill No. 59, Bill for an act entitled an act to amend section 516 of the Code of Civil Procedure of the State of Montana, by adding one sub-division thereto relating to the killing of live stock by railrod companies or corporations.

Read first and second time and referred to the Committee on Railroads and Transportation.

Also,

House Bill No. 60, Bill for an act entitled An Act to amend Section 517 of the Code of Civil Procedure of the State of Montana, by repealing sub-division 3 thereof, relative to the recovery of stock sold for delinquent taxes.

Read first and second time and referred to the Committee on Agriculture and Stock Growing.

By Whiteside:

House Bill No. 61, Bill for an act to empower the Governor to accept for the State the conditions imposed by an Act of Congress, entitled An Act to provide aid to state or territorial homes for the support of disabled Soldiers and Sailors in the United States, approved August 27th, 1888, and to empower the State Auditor to receive any moneys that may become due the State under said Act of Congress.

Read first and second time and referred to the Committee on State Institutions.

Also,

House Bill No. 62, Bill for an act to amend sections 2153, 2154 and to repeal section 2156 of Chapter III., Title IV., Part III. of the Code of Civil Procedure of the State of Montana.

Read first and second times and referred to the Committee on Judiciary.

By Carroll:

House Joint Memorial No. 3, Joint Memorial to Congress.

Read first and second time and referred to Committee on Federal Relations.

MESSAGES FROM THE SENATE.

The following communications were received:

Senate Chamber,
Helena, Montana, January 12th, 1897.

Mr. Speaker:

I have the honor to inform you that notices of the introductions of bills has been given as follows:

Helena, Montana, January 12th, 1897.

Mr. President:

I hereby give notice that on to-morrow or some subsequent day I will introduce a bill for an Act to amend section 953, 955, and 959 of the Civil Code of the State of Montana.

POWER.

That bills have been introduced as follows:

Senate Bill No. 11 by Flowerree:

A bill for an Act to repeal Sections 760 to 777 of the Political Code.

Read first and second times and referred to Committee on Labor and Capital.

Senate Bill No. 12 by Norris:

A bill for an Act to amend sections 502 and 503, Article II, Chapter 3, Title 1, Part 3, and adding section 507 to Article 11 of the Political Code, relating to State Examiner and his accountant.

Read first and second times and referred to Committee on Judiciary.

Senate Bill No. 13 by Riddell:

A Bill for an Act to reverse the law relating to the militia of the State of Montana.

Read first and second times and referred to Committee on Military Affairs.

Senate Bill No. 14 by Hannah:

A Bill for an Act to amend Section 1361 and 1404 of the Political Code providing for the election of County Commissioners by cumulative vote, Passed first and second reading and referred to Committee on Elections and Privileges.

Senate Bill No. 15 by Chandler:

A Bill for an Act to provide for the registration of land titles in the State of Montana and to simplify and facilitate the transfer of Real Estate.

Read first and second times and referred to the Committee on Judiciary.

House Bill No. 35 was read first and second time and referred to Committee on Printing.

Yours Respectfully,
JOHN BLOOR,
Secretary of the Senate.

Senate Chamber, State of Montana,
Helena, Montana, January 13th. 1897.

Mr. Speaker:

I have the honor to inform you that House Bill No. 35 has been concurred in and the same is herewith transmitted.

Yours Respectfully,
JOHN BLOOR,
Secretary of the Senate.

House Bill No. 35 was ordered enrolled.

REPORT OF STANDING COMMITTEES.

The following report was adopted:

Mr. Speaker:

Your Committee on Enrollment beg leave to report that we have this day at the hour of 10:34 A. M. delivered to His Excellency, the Governor, House Bill No. 20, entitled an Act appropriating to J. D. Taylor, Fred. Foster and E. S. Stackpole certain sums named herein.

McINTIRE,
Chairman.

On motion of Cochran the House adjourned.

DAVID MARKS.
Chief Clerk.

ELEVENTH DAY.

House of Representatives,
Helena, Montana, January 14th, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Tenth day read and approved.

Wamsley was granted leave of absence for the day.

MESSAGES FROM THE GOVERNOR.

The following communications were received:

Executive Office, Montana.
Helena, Montana, January 13, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I transmit herewith for the consideration of your Honorable Body, estimates reported from the various departments of the State Government, covering the maintenance of the same for the fiscal year 1897, and the fiscal year 1898. These estimates are based on the allowances heretofore made for the purposes named, being in some cases diminished and in some cases increased. In my judgment conditions do not justify an increase of expenditure for the maintenance of any department of the State government, and I therefore recommend such action on your part as will conserve the interests of economy to the fullest extent possible without impairing the efficiency of the public service. My views relative to the Bureau of Agriculture, Labor and Industry, are set forth in my first bi-ennial message to the Legislative Assembly, with suggestions as to the saving that can be affected if such views are adopted. Your attention is also called to the references made in that communication to the office of State Examiner and the offices of the Land Department. In my opinion several changes can be made in the estimates herewith submitted, in the interests of economy and with due regard for the public service. The office and traveling expenses reported in the estimates for the maintenance of the office of Mine Inspector can be safely reduced from $2,053.75 per annum to $1,000; and a similar estimate for the office of Boiler Inspector from $3,114.25 per annum to $1,500. I do not favor increasing the cost of maintaining the office of State Auditor by adding to the clerical force an assistant clerk at a salary of $1,200, as indicated in the estimates reported from that department; or adding to the clerical force in the office of the Secretary of State an assistant clerk at a salary of $1,500 per annum. The estimates for the maintenance of the State government are submitted in detail for your guidance in making necessary appropriations to cover expenses already incurred for such purposes, and as yet unpaid, and in providing for the necessary expenses of the several departments for the fiscal years 1897 and 1898. Section 2389 of the Political Code requires all fees collected by the Secretary of State and twenty per cent of all fees collected by the Clerk of the Supreme Court to be applied to a fund for the maintenance of the Law Library of the State. These fees produce in the aggregate more than $10,000 annually, and is a sum much larger than is necessary for the maintenance of the Law Library. I trust you will make such amendment to this Section as will appropriate a proper amount to the Law Library Fund, the remainder to be covered into the General Fund of the State. Estimates from the different State Institutions will be submitted at an early date, with such recommendations relative to an appropriation therefor as the condition of the finances of the State may seem to justify. In making appropriations for the maintenance of the State Government and the support of its Institutions I most earnestly recommend that they be kept within the revenue of the fiscal year to which they apply, and that such revenues be carefully estimated before the appropriation bills are drawn.

Respectfully,
ROBT. B. SMITH,
Governor.

Executive Office, Montana,
Helena, Montana, January 13, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have this day approved and signed House Bill No. 20, being an Act entitled: "An Act appropriating to J. D. Taylor, Fred Foster and E. S. Stackpole the sums herein named."

Respectfully,
ROBT. B. SMITH,
Governor.

Executive Office, Montana,
Helena, Montana, January 14, 1897.

Mr. Speaker and Gentlemen of the House of Representatives.

The communication herewith attached, from the Commissioner General of the Tennessee Centennial, is submitted to your Honorable Body for consideration, without recommendation.

Respectfully,
ROBT. B. SMITH.
Governor.

PETITIONS.

Petitions signed by 800 tax-payers of Meagher and Jefferson Counties praying for the creation of Broadwater County were read and referred to the Committee on Towns and Counties.

NOTICE OF INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Sanford:

A Bill to amend Section 1862 of the Code of Civil Procedure.

By Lindsay:

A Bill for "An Act to amend Section 3698 of Part III, Title X, Chapter III, of the Political Code, relating to the appraisement of real estate."

By Carroll:

A Bill for "An Act entitled an act to repeal Section 321, Article IV, Chapter VIII of the Penal Code of Montana, entitled 'Conspiracy' and substituting therefor another act."

By Clark:

A Bill for "An Act providing for the levy and collection of an inheritance tax on lineal and collateral inheritance."

By Greenfield:

A Bill for "An Act to require the publication of licenses issued by County Treasurers."

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Judiciary to whom was referred House Bill No. 10, "A Bill for An Act to amend Section 895 of the Code of Civil Procedure of the State of Montana relating to the manner of levying attachments upon real and personal property," report the same back to your honorable body with the recommendation that it do pass.

M. D. LEEHEY,
Chairman.

House Bill No. 10 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means having had under consideration the communication from the Governor relating to the Trans-Mississippi Exposition, beg leave to report the same back to the House without recommendation.

It is the opinion of your Committee, after a very careful discussion of the communication from the Governor of Nebraska, that, while a participation in the Exposition to be held at Omaha from June to November, 1898, would be of particular and especial advantage to our State, yet, your Committee is of the opinion that an appropriation of money at this time would be unwise.

Respectfully,
GEORGE L. RAMSEY,
Chairman.

On motion of Clark the report was adopted.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration, the communication from the Governor relating to labor and materials furnished for the improvement of the State Reform School, beg leave to report the same back to the House with the recommendation that the claim be not allowed.

Your Committee has a full appreciation of the hardships attendant upon this decision, but it finds that the expenditures were made by the Trustees of the School without the authority of law, and that a provision of the Constitution clearly covers the question involved and absolutely prohibits the Legislature from making an appropriation for the purpose prayed for.

Aside from the Constitutional prohibition, the Committee feels that the allowance of bills incurred by the local managers of our various Institutions, without authority of law, in the hope that the Legislature may approve their acts, is a practice to be condemned, and that the allowance of this claim would create a precedent that would result to the disadvantage of the Institutions and the State.

GEORGE L. RAMSEY.
Chairman.

On motion of Langhorne the House resolved itself into a Committee of the Whole for the consideration of the report.

Stanton in the chair.

House resumed.

Mr. Speaker in the chair.

The following was received:

Mr. Speaker:

The Committee of the Whole to whom was referred the report of Committee on Ways and Means on Reform School Expenditure, have had same under consideration and recommend that same be referred back to Ways and Means Committee.

GEO. H. STANTON,
Chairman.

On motion of Penwell the report was adopted.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 3; An Act to Regulate the Hours of Labor of Mechanics, Workingmen and Laborers in the employment of the State of Montana, or any Municipal or other Public Corporation therein, or in anywise employed by any Person or Persons, Corporations or Corporation, Contracting with the State of Montana, or any other Municipal or other Public Corporation therein, or at all or in any wise engaged on any Public Works, and to provide the Rate of Wages to be Paid for such Public Works; and to provide qualifications for Persons Working for the State or in anywise employed on Public Works; and to provide penalties for the violation of this Act; and to create Article XIX.-A. consisting of Sections 720, 721 and 722 of Chapter III., of Title I, of Part III., of the Political Code, respectfully report the same back as correctly printed.

D. P. O'CONNOR,
Chairman.

House Bill No. 3 was placed upon the General Order.

The following report was received:

Mr. Speaker:

Your Committee on Judiciary to whom was referred the matter of certain appeals from the State Board of Examiners respectfully report that the consideration of the same has been made a special order for Thursday evening, January 21st, 1897, at which time a hearing will be given to the parties interested.

M. D. LEEHEY,
Chairman.

RESOLUTION.

The following resolution was presented by Carroll:

Whereas the times are depressingly hard with people in all lines of industry, debt has fast grown and piled up on state, counties, and municipalities, and the people are groaning, as it were, under a heavy weight of debt that has to be recognized and whose obligations have to be promptly met and paid by levies upon the people through taxation.

Whereas, Owing to a great depreciation in the values of all property, and the escaping of just taxation by large holders of property by a false return of the same, that the result of the existing condition of affairs is that the tax levy upon the people is a very heavy, burden-some and extremely high rate.

Whereas, The Legislative Assembly of Montana is called upon to strictly regard the welfare of the whole, to lessen its burdens of government rather than increase it where it is deemed practicable, and where it does not disregard the welfare of its citizens as a whole.

Whereas, In the formation of counties certain particular sections are considered in a manner that would be benefitted sectionally rather than as a whole, as contained in the limits to be embraced in new counties.

Whereas, In the formation of counties certain persons in many cases advance and push the formation of such counties for the purpose of creating a sympathetic feeling with property holders and citizens and cause them to favor such action when it would be to their best interests and according to the best judgment to act in quite a different manner, to solely benefit themselves.

Whereas, The matter of forming new counties is too often pushed, advanced and furthered by those who may seek interests or gain directly by such formation of counties, and, Whereas, As we are called upon to "Hew to the line," of economy, and when the interests of the people will not suffer to delay such legislation at this time; and,

Whereas, The creation of new counties necessarily brings with such counties extra expense of another government, be it

Resolved, That the Legislative Assembly of Montana do not consider the formation of any new counties or changing of boundaries of same during this session.

On motion of Ramsey the consideration of the resolution was indefinitely postponed.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee upon Enrollment beg leave to report and return House Bill No. 35, An Act to appropriate moneys for the payment of mileage and per diem for the members of the 5th Legislative Assembly of the State of Montana; also for the payment of per diem of the officers and attaches thereof, correctly enrolled.

McINTIRE,
Chairman.

Mr. Speaker announced the signing of House Bill No. 35.

MESSAGES FROM THE GOVERNOR.

The following communication was received:

Executive Office, Montana,
Helena, Montana, January 14, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I desire to call your attention at this time to the situation of our new prison building at Deer Lodge. It is practically completed with the exception of the doors and windows, the cells, stairways and iron grating for the openings. This new building was constructed to correspond in its dimensions and openings with the contemplated prison at Billings. There is now piled up in the prison at Billings all of the necessary cells, iron work, stairways, doors and windows that will be required to fully complete and finish the new prison building at Deer Lodge. This material has been on hand at Billings almost two years. We are paying for a watchman to take care of the property at that place. If left there it can be of no possible use to the State at this time, unless the Eastern Penitentiary is completed. I do not believe it would be expedient or economical for the State at this time to undertake the completion of the Eastern Penitentiary, or its maintenance after completion, because one prison containing all the prisoners can be kept and maintained much cheaper than if divided. If the property above enumerated remains at Billings it is liable to destruction or loss. I would therefore suggest that you pass an Act authorizing the Board of Prison Commissioners to use the property at Billings in completing the new prison building at Deer Lodge. If this is done the only cost to the State will be the cost of transporting it from Billings to Deer Lodge.

Respectfully,

ROBT. B. SMITH,

Governor.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Leehey:

House Bill No. 58, Bill for an act to amend section 1641 of Chapter IX. of Title XI., of Part II., of the Code of Civil Procedure of the State of Montana, relating to executions from the justice of the peace courts.

Read first and second times and referred to Judiciary Committee.

By Shovlin:

House Bill No. 63, Bill for an act to prescribe when property taxes shall be payable and become delinquent.

Read first and second times and referred to Committee on Ways and Means.

By Penwell:

House Bill No. 64, Bill for an act concerning the liability of railroad companies for injuries to their employes.

Read first and second times and referred to the Committee on Railroads and Transportation.

Also,

House Bill No. 65, Bill for an Act to repeal sections from 228 to 243 of the Civil Code; also sections from 3070 to 3081 of the Code of Civil Procedure relating to dower.

Read first and second times and referred to the committee on Judiciary.

By Humber:

House Bill No. 66, Bill for an act to create a general fund for the respective counties, being also an amendment of Article 4, Chapter 2, of Title 6 of Part 3 of the Political Code.

Read first and second times and referred to the Committee on Roads and Highways.

By Hill:

House Bill No. 67, Bill for an act to amend sub-division 2 of section 4062 of Article 2 of Chapter XIII., relating to licenses.

Read first and second times and referred to the Committee on Ways and Means.

By Leehey:

House Bill No. 68, Bill for an act to amend sections 1632 and 1633 of Chapter VIII., of Title XI., Part II., of the Code of Civil Procedure of the State of Montana, relating to abstracts of justice of the peace judgments.

Read first and second times and referred to the Committee on Judiciary.

By Armitage:

House Bill No. 69, Bill for an act repealing section 162 and amending section 163 of Article 2 of the Political Code of Montana.

Read first and second times and referred to the Committee on Judiciary.

By Clark:

House Bill No. 70, Bill for an act amending section 313 of Title II., Chapter II., of the Civil Code of the State of Montana, relating to adoption and adding an additional section to said Chapter to be known as section 321.

Read first and second time and referred to the Committee on Judiciary.

By Whiteside:

House Bill No. 71, Bill for an act to amend section 2130 of Chapter 2 Title IV., Part III., of the Code of Civil Procedure of the State of Montana, relating to mechanics' liens.

Read first and second time and referred to the Committee on Labor.

By Carroll:

House Bill No. 72, Bill for an act to prevent the transaction and performance of business and work, except business or works of necessity, charity or mercy on Sunday and to amend certain laws in relation thereto.

Read first and second times and referred to the Committee on Labor.

Also,

House Bill No. 73, Bill for an act relating to the eligibility to public office.

Read first and second times and referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Appropriation, to whom was referred Deficiency Bill No. 4, of the year 1895, and Deficiency Bill No. 18, of the year 1896, relating to transportation of convicts, respectfully report the same back to the House with the request that they be returned to the Judiciary Committee.

W. H. COCHRAN,
Chairman.

On motion the report was adopted.

On motion of Langhorne the House adjourned.

DAVID MARKS,
Chief Clerk.

TWELFTH DAY.

House of Representatives,
Helena, Montana, January 15th, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Eleventh day read and approved.

Lewis was excused for the day.

MESSAGES FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, January 14, 1897.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced in the Senate:

By Metzel:

Senate Bill No. 18, A bill to amend Section 2990, Article 4, Chapter 5, Title 7, Part 3 of the Political Code in reference to a tax levy for Stock Inspection Purposes.

By Metzel:

Senate Bill No. 19, A Bill for an act to amend section 2950, Article 2, Chapter 5, Title 7, Part 3 of the Political Code in reference to the appointment of a Board of Stock Commissioners.

By Sligh:

Senate Bill No. 20, A Bill for an act to amend section 895, Code of Civil Procedure.

By Sligh:

Senate Bill No. 21, A Bill for an act to repeal section 925, Code of Civil Procedure.

By Sligh:

Senate Bill No. 22, A Bill for an act to amend section 513 and 514 Code of Civil Procedure.

By Sligh:

Senate Bill No. 23, A Bill for an act to amend section 592, Code of Civil Procedure.

The following notices were also read:

By Norris:

A Bill for an act providing for the payment of taxes, licenses, and other demands for Public Revenue when deemed unlawful, under protest, and providing a remedy for the recovery thereof when same are unlawfully collected.

By Chandler:

A Bill for an act to prohibit gambling in the State of Montana.

Yours respectfully,
H. S. CORBLY,
Ass't Secretary of the Senate.

Senate Chamber,
Helena, Montana, January 13th, 1897.

Mr. Speaker:

I am instructed by the Senate to inform you that the following bills have been introduced:

By Power:

Senate Bill No. 16, A Bill for an act to amend Sections 953, 955 and 959 of the Code of Civil Procedure.

By Hoffman:

Senate Bill No. 17, A Bill for an act changing the name of the Agricultural College of the State of Montana.

The following notices of bills were introduced:

By Sligh:

A Bill for an act to amend section 514 of the Code of Civil Procedure; also a bill for an act to amend Section 895 of the Code of Civil Procedure; also a bill for an act to repeal Section 925 of the Code of Civil Procedure.

By Metzel:

A Bill for an act to amend section 2950, Article 2, Chapter 5, Title 7, Part 3 of the Political Code in reference to the appointment of a Board of Stock Commissioners; also a bill for an act to amend Section 2990, Article 4, Chapter 5, Title 7, Part 3, of the Political Code in reference to a tax levy for Stock Inspection Purposes.

Very respectfully,
H. S. CORBLY,
Ass't Secretary of the Senate.

NOTICE OF INTRODUCTION OF BILLS.

Notices of the introduction of Bills were given as follows:

By Watkins:

Bill to amend Section 4660 of the Political Code, relating to County Commissioners.

By Leehey:

A Bill for "An Act to provide further protection to birds, fish, fur-bearing animals and game, and repealing Sections 1110 to 1114 inclusive of the Penal Code."

By Newton:

A Bill to amend Article 18 of Part 3, Title 1, of Political Code by adding thereto three additional Sections to be designated Sections 657, 658 and 659 relating to duties of pharmacists and providing penalties for violations thereof.

By Hepner:

A Bill for "An Act to amend Section 4603 of the Political Code of Montana relating to appointment of deputies to County officers;"

Also,

A Bill for "An Act to amend division I of Section 4230 of the Political Code of Montana, relating to powers and duties of County Commissioners."

By Carroll:

A Bill for "An Act to prohibit the use, sale, keeping possession of any instrument, drug, medicine, or device to prevent conception."

By Shovelin:

A Bill for "An Act to amend Sections 4740, 4741 and 4748 of the Political Code of the State of Montana, as published, entitled Part IV, Title III, Chapter III, Article II, relating to organization and government of cities and towns, approved March 13th, 1895.

By Clem:

A Bill to amend Section 1290, Title 10, Chapter 1, Vol. 2 of the Codes, relating to "Actions for the foreclosure of mortgages."

By Loeb:

A Bill providing for the submission to the electors of the State of Montana for their approval or rejection an amendment to Sec. V, Art. VIII, of the Constitution of the State of Montana relating to Judges of the Supreme Court.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary beg leave to submit the following report:

It is the opinion of your committee that House Bill No. 7, entitled "A Bill for an Act for the pensioning of men and women over the age of sixty-five years," introduced by Mulvillle, is unconstitutional and in conflict with Section 35 of Article V. of the Constitution of the State of Montana, which provides, "No appropriation shall be made for charitable, industrial or benevolent purposes to any person," and also in conflict with Section 1, Article XIII of the Constitution, which provides, "Neither the state nor any county, city, town, municipality, or other subdivision of the state shall ever give or loan its credit in aid of, or make any donation or grant, by subsidy or otherwise, to any individual." We therefore recommend that its consideration be indefinitely postponed.

Your committee has carefully examined House Bill No. 51, entitled "A Bill for an Act to amend Section 3162 of the Code of Civil Procedure, relating to witnesses," introduced by Caldwell, and we recommend that it do pass.

We believe that House Bill No. 53, entitled "A Bill for an Act to prevent the collection of debts in certain cases," introduced by Gilna, is unconstitutional in its present form, and recommend that the consideration thereof be indefinitely postponed.

Your committee also report that they have carefully examined House Bill No. 70, entitled "A Bill for an act amending section 313 of the Civil Code relating to adoption, and adding an additional section to that Chapter," and recommend that it do pass.

We have also examined House Bill No. 73, entitled "An Act in relation to elligibility to public offices," introduced by Carroll, and recommend that the consideration of this measure be indefinitely postponed.

Respectfully submitted,

M. D. LEEHEY,

Chairman.

On motion of Campbell the report and recommendations as to House Bill No. 7 were adopted by the following vote:

Ayes—Bourne, Brown, Butler, Caldwell, Campbell, Clark, Cochran, Edwards, Greenfield, Hart, Hepner, Hill, Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Loeb, McCabe, McIntire, Morgan, O'Connor, Owens, Owsley, Penwell, Phillips, Ramsey, Shovlin, Stanton, Stephens, Warren, Whipple, Whiteside, Woods—34.

Noes—Armitage, Bartlett, Bruffey, Buckley, Carroll, Clem, Dee, Elliott, Gilna, Hewett, Humber, Kelly, J. M., Longstaff, Marcum, McMahon, McNally, Metlen, Morton, Mulville, Newton, O'Malley, Perrine, Power, Sanford, Shifelbin, Stork, Sullivan, Taylor, Wamsley, Watkins, White, Mr. Speaker—33.

Absent—Lewis—1.

House Bills Nos. 51 and 70 were ordered printed.

On motion of Campbell House Bill No. 3 was referred to its introduced, Gilna.

On motion of Carroll House Bill No. 73 was ordered printed.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

We, your Committee on Mines and Mining, to whom was referred House

Bill No. 17, entitled "An act to further protect underground miners," report said bill back with Substitute, and recommend that Substitute do pass.

MARTIN DEE,
Chairman.

On motion of Bruffy the Substitute offered by the Committee to House Bill No. 17 was adopted and the same was ordered printed.

The following report was received:

Mr. Speaker:

We, your Committee on Mines and Mining, to whom was referred House Bill No. 22, entitled "A Bill for an Act, Regulating the Hours of Stationary Engineers, Fixing the Penalty for Violation thereof," having had the same under consideration, recommend that it do pass.

MARTIN DEE,
Chairman.

House Bill No. 22 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on State Lands to whom was referred House Bill No. 45 beg leave to submit the following report: We recommend that Section VII be stricken out and in lieu thereof insert the accompanying Sections VII and VIII the remaining Sections to be numbered to conform to those inserted.

As amended we recommend that the bill do pass.

FRED WHITESIDE,
Chairman.

House Bill No. 45 on motion was referred to the Committee on State Boards and Officers.

RESOLUTIONS.

Watkins introduced the following resolution:

Mr. Speaker:

I beg leave to offer the following resolution:

Whereas, To-day, the 15th day of January, is the 2nd anniversary of the great powder explosion in Butte a catastrophy which, in the horrors and destruction of human life has never had a parallel in the history of Montana, 56 people including almost the entire membership of the fire department of the city, losing their lives. Therefore be it resolved,

That this House, in commemoration of the brave firemen and out of sympathy for the surviving relatives of the deceased and the many maimed and crippled victims of the terrible accident do adjourn until 10 o'clock to-morrow morning.

Which was lost by the following vote:

Ayes—Bartlett, Brown, Buckley, Butler, Campbell, Carroll, Clark, Clem, Dee, Elliott, Evans Gilna, Greenfield, Hepner, Hill, Kelly, W. M., Lindsay, Longstaff, Mulville, Newton, O'Connor, Owsley, Power, Ramsey, Shovlin, Stephens, Sullivan, Wamsley, Warren, Watkins, Mr. Speaker—31.

Noes—Armitage, Bourne, Bruffy, Caldwell, Cochran, Edwards, Hart, Humber, Kelly, J. M., Kennedy, Langhorne, Leehey, Loeb, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, O'Malley, Owens, Penwell, Perrine, Phillips, Sanford, Shifelbin, Stanton, Stork, Taylor, Whipple, Whiteside, Woods—33.

Absent—Hewett, Lewis, McCabe, Whyte—4.

On motion of Cambell, the House took a recess until 9.:45 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

THIRTEENTH DAY.

House of Representatives,
Helena, Montana, January 13th, 1897.

House resumed pursuant to adjournment at 9:45 A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Twelfth day read and approved.

Cochran, Edwards, Clark, Owsley, Phillips, Sullivan and Warren were excused for the day.

REPORTS OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report that we have delivered House Bill No. 35 "An Act to appropriate moneys for the payment of mileage and per diem for the members of the 5th Legislative Assembly of the State of Montana: also for the payment of per diem of the officers and attaches thereof," to His Excellency the Governor, at the hour of 2:15 P. M., January 15th, 1896.

McINTIRE,
Chairman.

Mr. Speaker:

We, your Committee on Railways and Transportation, having under consideration House Bill No. 47, relative of the prohibiting of officers receiving passes or transportation from railway companies, and the prohibiting of railway companies from granting passes or transportation to officers, introduced by Carroll, respectfully refer the same back to the house with the recommendation that it be indefinitely postponed.

Respectfully submitted,
W. A. CLARK,
Chairman.

On motion of Campbell the report was adopted.

The following report was received:

Mr. Speaker:

We, your Committee on Railways and Transportation, having under consideration House Bill No. 34, relation to damage by fire by Railroad Companies, beg leave to report the same back to the House with the recommendation that the same be indefinitely postponed, for the reason that there is a good and sufficient law already upon the statute books, and that the bill is so ambiguous and imperfectly drawn that it would be useless as a law if passed.

Respectfully submitted,

W. A. CLARK,
Chairman.

On motion of Campbell the report was re-referred to the Committee on Railroads and Transportation.

The following reports were received:

Mr. Speaker:

We, your Committee on State Boards and Officers, having considered House Bill No. 27, An Act amending Section 374 of the Political Code of the State of Montana relative to and reducing the salary of the Governor of the State of Montana beg leave to report the bill to the House for printing without further recommendation.

HUMBER,
Chairman.

Mr. Speaker:

We your Committee on State Boards and Officers, considered House Bill No. 45, A bill for an Act to provide for the appraisement and reappraisement, sale and lease of State Lands and improvements thereon; beg leave to report as follows: The committee is favorably disposed towards the substance of the bill, but respectfully recommend that it be referred back to its originator for the purpose of having it re-drafted.

HUMBER,
Chairman.

House Bill No. 27 was ordered printed.

On motion of Whiteside House Bill No. 45 was referred to the Committee on State Lands.

The following report was received:

Mr. Speaker:

Your Committee on State Boards and Officers, beg leave to report the necessity for a clerk and have selected Miss Katie Kellogg subject to the approval of the House.

HUMBER,
and all the Committee.

On motion the selection of Miss Katie Kellogg by the Committee was ratified by the House.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, who have under consideration the following bills, beg leave to submit this report:

We recommend that House Bill No. 28, known as the Initiative and Referendum, introduced by Elliott, be printed and placed on general orders for the consideration of the House with substitute for Section 1 as attached.

We find that House Bill No. 31, "An Act to amend Chapter IV., of Title X., of Part III., of the Political Code, relating to the assessment of the net proceeds of mines," introduced by Carroll, contains no new provisions which in our opinion are needed or desirable, and we therefore recommend that the bill do not pass.

We have carefully examined House Bill No. 40, "A Bill for an Act to prohibit employers from deducting from the compensation of employes any sum of money for medical attention," introduced by Leehey, and we recommend that it do pass.

We have carefully examined House Bill No. 43, "A Bill for an Act to prevent Indians from running at large off their reservations," introduced by McIntire, and we approve the bill as to its form and legal effect and recommend that it be passed.

We also recommend the passage of House Bill No. 50, "A Bill for an Act amending Section 442 of the Political Code, relating to the State Treasurer. and we recommend that it do pass.

We further find that House Bills Nos. 58 and 68, which amend respectively Section 1641, and Sections 1632-33 of the Code of Civil Procedure, relating to justice of the peace judgments and executions, introduced by Leehey, are desirable amendments to the law, and recommend that they do pass.

We also have carefully considered House Bill No. 69, "A Bill for an Act repealing Section 162 and amending Section 163 of the Political Code," introduced by Armitage, and we recommend that the same be passed.

Respectfully submitted,

M. D. LEEHEY,

Chairman.

On motion of Campbell the amendments offered by the Committee on House Bill No. 28 was adopted and the bill was ordered printed.

Carroll moved that House Bill No. 31 be ordered printed. Motion was lost. The bill was placed upon General Orders.

House Bills Nos. 40, 43, 50, 58, 68 and 69 were ordered printed.

The following report was received:

Mr. Speaker:

Your Committee of Townships and Counties to whom was referred House Bill No. 24, a Bill for an Act to Create the County of Broadwater, respectfully report the same back and recommend that it do pass.

C. A. WHIPPLE,

Chairman.

House Bill No. 24 was ordered printed.

Perrine moved that the rules be suspended and that House Bill No. 21 be recalled from the Committee on Towns and Counties and be ordered printed

On motion of Hepner the motion was laid upon the table.

Lindsay presented the following which was adopted:

Mr. Speaker:

In order that the House may act intelligently on matters pertaining to the State Capitol Building I move that a committee be appointed by the chair to investigate all matters pertainng to the State Capitol Building and to make speedy report to the House.

Mr. Speaker announced that in conformity with the motion he would at a later hour announce his appointments.

MESSAGE FROM THE GOVERNOR.

The following communication was received:

Executive Office, Montana.

Helena, Montana, January 15, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have this day approved and signed House Bill No. 35, being an Act entitled "An Act to Appropriate Moneys for the Payment of Mileage and Per Diem for the Members of the Fifth Legislative Assembly of the State of Montana; also for the Payment of Per Diem of the Officers and Attaches thereof."

Respectfully,

ROBT. B. SMITH,

Governor.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By McMahon:

House Bill No. 74, Bill for an act to create the offices of Inspector of Mines and deputy Inspector of Mines and prescribing their duties.

Read first and second time and referred to the Committee on Mines and Mining.

By Sanford:

House Bill No. 75, Bill for an act to extend and define the boundaries of Cascade County and to alter the boundaries of Meagher County and Choteau County to conform thereto.

Read first and second time and referred to the Committee on Towns and Counties.

Also,

House Bill No. 76, An act to amend Section 1862 of the Code of Civil Procedure.

Read first and second times and referred to the Committee on Judiciary.

By Evans:

House Bill No. 77, Bill for an act to amend section 705 of Title 10 of the Penal Code to have the cages used in all mines cased in.

Read first and second time and referred to the Committee on Mines and Mining.

By Leehey:

House Bill No. 78, Bill for an act to amend section 1080 of Article 2, of Chapter 4, Title 8, of Part 2, of the Code of Civil Procedure of the State of Montana, relating to the order of proceedings in the trial of civil actions.

Read first and second times and referred to the Committee on Judiciary.

Also,

House Bill No. 79, Bill for an act to amend section 1200 of Chapter 8 of Title 8, of Part 2, of the Code of Civil Procedure of the State of Montana, relating to transcripts of judgment dockets and filing of the same with the district court clerks of counties other than that in which the judgment is rendered.

Read first and second time and referred to the Committee on Judiciary.

By Shovlin:

House Bill No. 80, Bill for an act to amend Sections 4740, 4741 and 4748 of the Political Code of the State of Montana as published entitled Part 4, Title 3, Chapter 3, Article 2, relating to organization and government of cities and towns approved March 13, 1895.

Read first and second times and referred to Committee on Affairs of Cities.

By O'Malley:

House Bill No. 81, Bill for an act regulating the hours of employment in smelters and other institutions for the reduction and refining of ore or metals and providing penalties for violations of its provisions and the providing for the repeal for all acts and parts of acts in conflict therewith.

Read first and second times and referred to Committee on Labor.

By Clem:

House Bill No. 82, Bill for an act to amend Section 1290, Title 10, Chapter 1, Code of Civil Procedure relating to actions for foreclosure of mortgages.

Read first and second times and referred to the Committee on Judiciary.

By Butler:

House Bill No. 83, Bill for an act authorizing the Governor to appoint a commission to survey and define a portion of the State line between the states of Montana and Idaho and appropriating certain moneys for the payment thereof.

Read first and second time and referred to the Committe on Appropriations

By Newton:

House Bill No. 84, Bill to amend Article 18, of Part 3, Title 1, of the Political Code by adding thereto three additional sections to be designated as section 657, 658 and 659 relating to duties of pharmacists and providing penalties for violation thereof.

Read first and second times and referred to Committee on State Boards Officers.

By W. J. Kennedy:

House Bill No. 85, Bill for an act appropriating money to pay O. G. Cooper,

M. L. Rickman and Duncan Dingwall for mileage and attendance upon the Fifth Legislative Assembly of the State of Montana as prima facie members of the Senate.

Read first time and objected by Langhorne. The question being put “Shall this bil lbe rejected?” resulted in the bill being rejected.

On motion of Campbell the House adjourned.

DAVID MARKS,
Chief Clerk.

FIFTEENTH DAY.

House of Representatives,
Helena, Montana, January 18th, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Loeb, McIntire, Owsley and Buckley were excused for the day.

Journal of Thirteenth day read and approved.

PETITIONS.

Petitions from various counties praying for the passing of "a constitutional amendment, submitting to a vote of the people the extension of suffrage to women," were read and referred to the Committee on Privileges and Election.

Brown presented a petition for the creation of Rosebud County which was referred to the Committee on Towns and Counties.

A communication from the Trades and Labor Council of Cascade County was presented by O'Malley protesting against the abolition of the Bureau of Agriculture. Referred to the Committee on Labor.

A communication asking for the support of House Bill No. 1, from the Trades and Labor Council of Cascade County, was read and referred to the Committee on Education.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on State Lands to whom was referred House Bill No. 45 beg leave to make the following report. We recommend that Sections 1, 2, 6 and 7, be stricken out. That the other sections be numbered to conform therewith and that the bill do pass.

WHITESIDE,
Chairman.

On motion of Lindsay the amendments offered by the Committee on State Lands to House Bill No. 45 were adopted and the bill was ordered printed.

On motion of Leehey House Bill No. 40 was recalled from the Committee on Printing and re-referred to the Committee on Judiciary for correction.

NOTICE OF INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Lewis:

Bill regarding the publication of certain general laws in one newspaper in every organized county of the State.

By Cochran:

Bill to cover the deficiency appropriations.

By McCabe:

Bill for an act to amend section 4630 of an Act entitled, "An Act to Establish a Political Code," approved February 25th, 1895, relating to the fees of Public Officers.

By Ramsey:

Bill for an act to provide for the organization, regulation and inspection of building and loan associations, and to repeal sections 770 to 845 inclusive, in Article I. and II., Title 6 of Division I., Part IV., of the Civil Code.

By Lindsay:

Bill for an act to amend sections 1012 and 1053 of the Political Code of the State of Montana, relating to the approval of and the time of filing of official bonds of county officials.

By Brown:

Bill in regard to bounty on gray wolves and coyotes.

By Wamsley:

Bill for an act to amend Sections 2150, 2151, 2153, 2154 and 2156 of the Code of Civil Procedure of the State of Montana relating to liens for saries and wages.

By W. J. Kennedy:

Bill appropriating money to pay M. L. Rickman, Duncan Dingwall and O. G. Cooper for services rendered the State of Montana, as attendants upon the Senate thereof, and contestants for seats therein.

By Caldwell:

Bill for an Act Amending Section 681 of the Civil Code concerning the collection of taxes on Fire Insurance companies and the payment of the same to organized Fire Insurance Companies in towns and cities.

By Whiteside:

Bill to provide assistants in the State Land Office and to fix the pay of same.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Penwell:

House Bill No. 86, Bill for an act to extend the boundaries of Lewis and

Clarke and to alter the boundaries of Meagher County and Jefferson County to conform thereto.

Read first and second time and referred to the Committee on Towns and Counties.

By Lindsay:

House Bill No. 87, Bill for an act to amend section 3598, Chapter 3 of Title 10, of Part 3 of the Political Code of the State of Montana, relating to the valuation and appraisement of real estate.

Read first and second times and referred to the Committee on Judiciary.

By Carroll:

House Bill No. 88, Bill for an act entitled, An Act to Repeal Section 321, Article IV., Chapter VIII., of the Penal Code of Montana, Entitled Conspiracy and substituting therefor the following section.

Read first and second time and referred to the Committee on Incorporations and Manufacturing.

By Armitage:

House Bill No. 89, Bill for an act empowering County Commissioners to appoint a Water Commissioner and defining the duties of such commissioner.

Read first and second times and referred to the Committee on Irrigation and Water Rights.

SPECIAL ORDERS.

The hour of 11 A. M. having arrived, for which the report of the Committee on Mines and Mining was made a special order, on motion of Dee the following report was substituted:

Mr. Speaker:

Your Committee on Mines and Mining beg leave to report as a substitute for the report now before the House, that they have urgent need for a clerk, and have selected Miss Minnie S. Bowers for the position, subject to the approval of the House.

M. DEE,
Chairman.

On motion of Campbell, the report was adopted and Miss Minnie S. Bowers was declared elected as clerk of the Committee on Mines and Mining.

On motion of Langhorne the House resolved itself into Committee of the Whole for the consideration of messages from the Governor.

Leehey in the chair.

House resumed.

Mr. Speaker in the chair.

Leehey of the Committee of the Whole was granted further time in which to make his report.

On motion of Langhorne the House adjourned.

DAVID MARKS,
Chief Clerk.

SIXTEENTH DAY.

House of Representatives,
Helena, Montana, January 19th, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll colled—Quorum present.

Prayer by Chaplain.

Jouranl of Fifteenth day read and approved.

NOTICE OF INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Hewett:

A Bill to regulate and fix the price of Miners' wages in the State of Montana.

By O'Connor:

A Bill for an Act entitled An Act licensing the sale of liquors greater than one quart and to amend sections 4063, 4064 and 4065 of the Political Code.

By Stephens:

Bill for an act to appropriate funds for the maintenance of the University of Montana for the years of 1897 and 1898.

By Whiteside:

Bill for an act to amend section 2510, Article 4, Chapter 4, Title 5, Part 3 of the Political Code relating to Soldiers Home.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

We, your Committee on Labor respectfully submit the following report: We find that it is necessary for us to consider the business properly in our hands that we require a clerk and have agreed upon Mr. H. L. Hughes of Jefferson County.

J. E. McNALLY,
Chairman.

On motion of Longstaff the report of the committee was adopted and H. L. Hughes was declared the clerk of the Committee on Labor.

Stanton moved that the rules be suspended and that the House proceed with the election of five Committee Clerks.

Motion lost by the following vote:

Ayes—Hart, Humber, Lewis, McMahon, Morton, O'Malley—6.

Noes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Loeb, Longstaff, Marcum, McCabe, McNally, Metlen, Morgan, Mulville, Newton, O'Connor, Owens, Penwell, Perrine, Power Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Warren, Watkins, Whyte, Whiteside, Woods, Mr. Speaker —58.

Absent—McIntire, Owsley, Phillips, Whipple—4.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 10, 27, 28, 70, and 73 and substitute for House Bill No. 17, beg leave to report as follows:

House Bill No. 10, For An Act to amend Section 895 of Chapter IV., of Title VII., of Part II., of the Code of Civil Procedure of the State of Montana relating to the Manner of Levying Attachments upon Real and Personal Property, is correctly printed.

House Bill No. 27, A Bill for An Act amending Section 374 of the Political Code of the State of Montana, relative to and reducing the salary of the Governor of the State of Montana, is properly printed.

House Bill No. 28, An Act Providing for the submission to the qualified Electors of the State an Amendment to Sections 1 and 20, Article 5 of the Constitution relating to the Legislative Department, is properly printed.

House Bill No. 70, A Bill for An Act amending Section 313 of Title II, Chapter II, of Part III, of the Civil Code of the State of Montana, relating to adoption, and adding an additional section to said Chapter to be known as Section 321, is properly printed.

House Bill No. 73, In relation to elligibility to public office, is properly printed.

Substitute for House Bill No. 17, for An Act entitled An Act to further protect underground miners, is properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 10, 27, 28, 70, 73 and substitute for House Bill No. 17 were placed on the General Orders.

The following reports were received:

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred House Bill No. 74, entitled, "A Bill for an Act to create the offices of Inspector of Mines and Deputy Inspector of Mines, and prescribing their duties," introduced by McMahon, having carefully considered the same, beg leave to report it back to the House, with the recommendation that it do pass, after certain changes and additions have been made, as follows: the amendment to House Bill No. 74 recommended by Committee on Mines and Mining adopted by the House.

In Section 3, fourth line, immediately after the word "Montana" strike out the word "five years," and insert in lieu thereof the words "one year."

In Section 6, add after the word "notice" twenty-seventh line, the following: "And it is further provided that in case said mine owner, lessee or superintendent fails to comply with the foregoing provison of this Act, it shall be the duty of the Mining Inspector or his Deputy to close said mine."

In Section 15, third line, insert between the words "of" and "five", the words "not less than;" and in said Section 15, fourth line, after the words "five hundred dollars" and the words "nor more than five thousand dollars."

M. DEE,
Chairman.

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred House Bill No. 77, introduced by Evans, entitled, "A Bill for an Act to amend Section 705 of Title 10 of the Penal Code, to have the cages used in all mines cased in," having had the same under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

M. DEE,
Chairman.

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred House Bill No. 18, entitled, "A Bill to amend Sections 580 and 584 of the Political Code, relating to Inspector of Mines," having had the same under consideration, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed.

M. DEE.
Chairman.

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred House Bill No. 29, introduced by Sanford, entitled, "A Bill for an Act entitled. An Act to amend Sections 580 and 581 of the Political Code, relating to Mining Inspector," having had the same under consideration, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed.

M. DEE,
Chairman.

The amendments offered by the Committee on Mines and Mining to House Bill No. 74 were adopted and the bill was ordered printed.

House Bill No. 77 was ordered printed.

On motion of Dee House Bill No. 18 was indefinitely postponed.

On motion of Greenfield House Bill No. 29 was indefinitely postponed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, beg leave to submit the attached substitute for Section 2 of House Bill No. 40, "A Bill for an Act to prevent employers from withholding or deducting from the wages or compensation of employes any sum for medical or surgical care or treatment," and recommend the passage of the bill with such substitution.

We also have carefully examined House Bill No. 41, "A Bill for an Act to provide for the incorporation of hospital associations," and recommend that it do pass.

Respectfully submitted,

LEEHEY,

Chairman.

The amendments reported by the Judiciary Committee to House Bill No. 40 were adopted and the bill was ordered printed.

House Bill No. 41 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee of the Whole to whom was referred the Governor's Messages, have had the same under consideration and beg leave to submit and recommend the adoption of the following report: The message relating to estimates for expenditures for the years 1887 and 1888 for the different departments of state be referred to the Committee on Appropriations.

Message relating to the Tennessee Exposition, or Centennial, be indefinitely postponed.

LEEHEY,

Chairman.

On motion of Hill the report was adopted.

MESSAGES FROM THE SENATE.

The following communication was received:

Senate Chamber,

Helena, Montana, January 18th, 1897.

Mr. Speaker:

I am instructed by the Senate to inform you that the following notices of Bills have been given.

By Power:

A Bill to add an additional Section to Chapter VIII, Part III, Title X, of the Political Code of Montana to be numbered Section 2937.

By Chandler:

A Bill for an Act to amend Section 4595 of the Political Code of the State of Montana relating to the payment of County Officers.

By Hoffman:

Senate Bill No. 25, A Bill for an Act making an appropriation to defray the expenses connected with the Senatorial contests.

By Auld:

Senate Bill No. 26, A Bill for an Act providing for the election of County Commissioners by Districts.

JOHN BLOOR,

Secretary of Senate.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Committee on Appropriations:

House Bill No. 90, Bill for an Act appropriating money for the payment of claims of certain persons for services rendered to and supplies furnished the Western Penitentiary, Montana, in the year 1896.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 91, Bill for an act appropriating money for the payment of claims of certain persons, companies, or corporations for services rendered to and supplies furnished during the year 1896, for the deaf and dumb asylum at Boulder.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 92, Bill for an act appropriationg money for the payment of sundry expenses of the State Board of Education n the year 1896.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 93, Bill for an act appropriating money for the payment of the claim of George Blinn for services rendered to the State of Montana, in November, 1896, as Boiler Inspector.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 94, Bill for an act appropriating money for the payment of the claims for services rendered and expenses incurred by the National Guard of Montana, in the year 1895.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 95, Bill for an act appropriating money for the payment of the claim of A. B. Keith for services rendered to the state during the months of December, 1894, January and February, 1895, as custodian of the Armory.

Read first and second time and referred to the Committee on Judiciary.

Also,

House Bill No. 96, Bill for an act appropriating money for the payment of the claims of certain persons, companies, corporations for furnishing supplies for services rendered to the Eastern Penitentiary, Montana, in the year 1895.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 97, Bill for an act appropriating money for the payment of the claim of E. W. Stetson, for services rendered the state in the year 1895, account extra compensation for taking care of books, etc., Chief Clerk, Fourth Legislative Assembly.

Read first and second time and referred to the Committee on Judiciary.

Also,

House Bill No. 98, Bill for an act to appropriate money for the payment of the claim of Jas. McDonald for services rendered the state from December 1st, 1895, to November 30th, 1896, inclusive, as Janitor, other than Supreme Court.

Read first and second time and referred to the Committee on Judiciary.

Also,

House Bill No. 99, Bill for an act appropriating money for the payment of the claims of certain persons, companies, or corporations, account fees illegally collected during the year 1896.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 100, Bill for an act appropriating money for payment of sundry expenses of the State Board of Charities and Reform during the year 1896.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 101, Bill for an act appropriating money for the relief of Mitchell & Mussigbrod for the care and keeping of the insane in the year 1896.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 102, Bill for an act appropriating money for the payment of the claim of T. W. Lawson for services rendered the state from December 1, 1896, to January 4, 1897, inclusive, as Executive Clerk.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 103, Bill for an act appropriating money for the relief of certain persons and corporations for furnishing supplies and for services rendered to the State Reform School in the year 1896.

Read first and second time and referred to the Committee on Ways and Means.

On motion of Penwell the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Committee on Appropriations:

House Bill No. 104, Bill for an act appropriating money for the payment of sundry expenses of the State Board of Education, in the year 1895.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 105, Bill for an act appropriating money for the payment of the claim of Jas. McDonald for services rendered the State from October 15, 1895, to November 30, 1895, inclusive, as Janitor, other than the Supreme Court.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 106, Bill for an act appropriating money for the payment of the claim of Lewis and Clarke County for balance due account of state offices in the year 1895.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 107, Bill for an act appropriating money for the payment of the claims of certain persons for services rendered to and supplies furnished for the Orphans' Home during the year 1896.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 108, Bill for an act appropriating money for the payment of claims for services rendered to the state and expenses incurred by the National Guard of the State of Montana, in the year 1896.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 109, Bill for an act appropriating money for the payment of the claim of F. D. Baker for services rendered to the state from July 1st, 1896, to November 30th, 1896, inclusive, as watchman of the Eastern Penitentiary.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 110, Bill for an act to appropriate money for the payment of the claims of certain persons and companies for services rendered to and supplies furnished for the State Agricultural College in the year 1896.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 111, Bill for an act appropriating money for the relief of Mitchell & Mussigbrod for the care and keeping of the insane in the year 1895.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 112, Bill for an act appropriating money for the payment of the claim of the State Publishing Company, account public printing for the State of Montana, in the year 1896.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 113, Bill for an act appropriating money for the payment of claims of certain persons and companies for services rendered to and supplies furnished for the Orphans' Home, in the year 1895.

Read first and second time and referred to the Committee on Printing.

Also,

House Bill No. 114, Bill for an act appropriating money for the payment of the claim of Deer Lodge County, account of costs incurred by said county in the case against Jos. P. Devine, charged and convicted of escape from the State Prison in the year 1896.

Read first and second time and referred to the Committee on Printing.

By Lindsay:

House Bill No. 115, Bill for an act to amend section 1012 and 1053 of the Political Code of the State of Montana, relating to the approval of and time of filing official bonds of county officials.

Read first and second times and referred to the Committee on Judiciary.

By Whiteside:

House Bill No. 116, Bill for an act to provide assistants to carry on the work of the State Land Office. To fix the salary of such assistants and to designate the fund from which the expenses of the State Land Office shall be paid.

Read first and second times and referred to the Committee on State Boards and Officers.

By Hepner:

House Bill No. 117, Bill for an act to amend Division 1, Section 4230 of the Political Code of Montana, relative to Powers and Duties of County Commissioners.

Read first and second times and referred to the Committee on Judiciary.

Also,

House Bill No. 118, Bill for an act to amend Section 4063 of the Political Code of Montana relating to appointment of deputies to county offices.

Read first and second times and referred to the Committee on Judiciary.

By Greenfield:

House Bill No. 119, Bill for an act to amend Section 4048, Chapter 13, Article 2, of the Political Code, relating to the duties of County Treasurer.

Read first and second times and referred to the Committee on Judiciary.

By O'Malley:

House Bill No. 120, Bill for an act for the prevention of gambling in the State of Montana, providing penalties for the violation thereof, and for the repeal of all acts and parts of acts in conflict therewith.

Read first and second times and referred to the Committee on Ways and Means.

By Brown:

House Bill No. 121, Bill for an Act to amend Section 3076 of the Political Code of the State of Montana, relating to special tax for killing Wild Animals,

Read first and second time and referred to the Committee on Agriculture and Stock Raising.

By Caldwell:

House Bill No. 122, Bill for an act to amend Section 681, Division 1, Part 4, Title 4, Chapter 1, of the Civil Code of the State of Montana, concerning the collection of the taxes on fire insurance companies, and the payment of the same to organized fire insurance companies in citites and towns.

Read first and second time and referred to the Committee on Insurance.

By Stork:

House Bill No. 123, Bill for an act to amend Section 1134 of the Penal Code of Montana, relative to the killing of game.

Read first and second time and referred to the Committee on Fish and Game.

By McCabe:

House Bill No. 124, Bill for an act to amend Section 4630 of an act entitled "An Act to establish a Political Code," approved February 25, 1895, relating to Fees of Public Officers.

Read first and second time and referred to the Committee on State Boards and Officers.

By Morton:

House Bill No. 125, Bill for an act to create a Board of Examiners to examine mine inspectors, mine superintendents, mine foremen, fire bosses, and to define the duties and compensation of such board.

Read first and second time and referred to the Committee on Mines and Mining.

Campbell moved to adourn—Motion lost.

GENERAL ORDERS.

On motion of Elliott the House resolved itself into a Committee of the Whole for the consideration of General Orders.

Stanton in the chair.

House resumed.

Mr. Speaker in the chair.

Clark moved to adjourn. Motion lost by the following vote:

Ayes—Armitage, Brown, Butler, Caldwell, Campbell, Clark, Cochran, Greenfield, Hepner, Kelly, J. M., Langhorne, Lewis, McCabe, Metlen, Newton, O'Connor, Penwell, Ramsey, Shovlin, Stanton, Warren—21.

Noes—Bartlett, Bourne, Bruffy, Buckley, Carroll, Clem, Dee, Edwards, Elliott, Evans, Gilua, Hart, Hewett, Hill, Humber, Kelly, J. N., Kennedy, Leehey, Lindsay, Loeb, Longstaff, Marcum, McMahon, McNally, Morton, Mulville, O'Malley, Owens, Perrine, Power, Sanford, Shifelbin, Stephens, Stork, Sullivan, Taylor, Wamsley, Watkins, Whipple, White, Whiteside, Woods, Mr. Speaker—43.

Absent—McIntire, Morgan, Owsley, Phillips—4.

On motion of Ramsey the House resolved itself into a Committee of the Whole for the purpose of taking up bills on the General Orders in the order in which they were filed by the clerk.

Ramsey in the chair.

House resumed.

Mr. Speaker in the chair.

MESSAGES FROM THE GOVERNOR.

The following communication was received:

Executive Office, Montana,
Helena, Montana, January 19, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I herewith transmit the estimates made by the local boards of managers of the several educational institutions of the State, as well as of the Home for Orphans, Foundlings and Destitute Children and the State Reform School.

The estimate of the School of Mines, it seems to me, is unusually large, and should be carefully considered by you, as should all the other estimates submitted. With reference to the estimate submitted by the University, I call your attention to the fact that they have put into a lump sum $13,250 for the payment of the Faculty and janitor. It would be well to require an itemized account of this matter. In the matter of the Agriculture College at Bozeman, for the present at least it seems that the teacher of modern languages might be dispensed with; or, in other words, some one of the professors teaching other branches might also teach modern languages. And the matter of furniture should be itemized so you may know exactly what is required.

It will be absolutely impossible to make the appropriations as requested by the several Institutions, and your judgment must determine at what points the estimates may be curtailed without too seriously impairing the efficiency of the service. After the estimates which I have already submitted are acted upon by proper appropriations, you will then make the appropriations for these several Institutions, bearing in mind at all times that an appropriation made beyond the revenues of the State for that particular year, is, under our Constitution, absolutely void.

Respectfully,
ROBT. B. SMITH,
Governor.

GENERAL ORDERS.

The House again went into Committee of the Whole for the further consideration of General Orders.

Ramsey in the chair.

House resumed.

Mr. Speaker in the chair.

Ramsey of the Committee of the Whole was granted further time in which to report.

McCabe moved to adjourn.

Elliott moved to amend by having a recess until 7 P. M. Amendment lost.

The motion to adjourn prevailed.

DAVID MARKS,
Chief Clerk.

SEVENTEENTH DAY.

House of Representatives,
Helena, Montana, January 20th, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the chaplain.

Journal of Sixteenth day read and approved.

Metlen and Wamsley were granted indefinite leave of absence on account of sickness in their families.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received:

Executive Office, Montana,
Helena, Montana, January 19, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I transmit herewith the appeal of James Conley from the action of the Board of State Examiners in the matter of a reward for the apprehension and arrest Pierre Paul and La La See. The correspondence and papers pertaining to the case are submitted for your consideration without recommendation.

Respectfully,
ROBT. B. SMITH,
Governor.

The message of the Governor was referred to Committee on Appropriations.

NOTICE OF INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Perrine:

A Bill to regulate the manner of voting upon proposed amendments to the Constitution.

By Caldwell:

A Bill for "An Act to repeal Sections 1110 to 1144 inclusive, of the Penal Code and to provide further protection to birds, fish fur-bearing animals and game."

By Stanton:

A Bill to provide for the photographing and numbering of prisoners committed to the State Penitentiary.

By Lindsay:

A Bill for "An Act to add an additional Section to Chapter VI, Title IX, Part I, of the Penal Code to be known and numbered Section 543 relating to the sale of intoxicating liquors on Sunday."

By Carroll:

A Bill for "An Act to amend Sections 1354 and 1361 of the Political Code of the State of Montana, relating to ballots and voting at elections."

REPORTS OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker.

Your Committee on Appropriations, to whom was referred Deficiency Bills No. 9, "Account Supreme Court Reporter," and 5, "Account extra Clerk Auditor;" of 1896, respectfully report the same back with the recommendation that they do not pass.

W. H. COCHRAN,
Chairman.

On motion the report was adopted.

The following report was received:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred House Bill No. 61, "A bill for an Act to empower the Governor to accept for the State the conditions imposed by the Act of Congress, entitled 'An Act to provide aid to state and territorial homes for the support of the disabled soldiers and sailors in the United States,' approved August 27th, 1888, and to empower the state auditor to receive any moneys that may become due the state under said act of Congress," beg leave to report that they have had the same under consideration and recommend that it do pass.

Respectfully submitted.
S. W. LANGHORNE,
Chairman.

House Bill No. 61 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred House Bill No. 54, "An Act providing for printing of the annual report of the Montana Horticultural Society of the State of Montana, and fixing the salary of the secretary of said society," beg leave to report that in their judgment said bill with its appropriation, is in conflict with paragraph 35, Legislative Department of the Constitution of the State of Montana, which says "No. 35. No appropriation shall be made for charitable, industrial, educational, or benevolent (purposes to any person, corporation or community not under the absolute?) control of the State, nor to any denominational or sectarian institution or association," and therefore, recommend that the bill be indefinitely postponed.

Respectfully submitted,
S. W. LANGHORNE,
Chairman.

On motion of Bruffy the report was adopted and the House Bill No. 54 was indefinitely postponed.

The following report was received:

Mr. Speaker:

We your Committee on Townships to whom was referred House Bill No. 25, an Act to create the County of Rosebud beg leave to report the Bill back to the House and recommend that it be printed.

C. A.WHIPPLE,
Chairman.

House Bill No. 25 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 24 and 58, beg leave to report as follows:

House Bill No. 24, A Bill for an Act entitled an Act to create the County of Broadwater, has been properly printed.

House Bill No. 58, A Bill for An Act to amend Section 1641 of Chapter IX, of Title XI, of Part II, of the Code of Civil Procedure of the State of Montana relating to executions from the Justice of the Peace Courts, has been properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 24 and 25 were placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 3, recommend the adoption of the following amendments:

Amend Section 720, on line 5, by striking out the words "classes, mechanics, working men and laborers" and insert the word "persons" wherever they occur in this Bill.

Amend Section 720 by making (the following?) words a part of the last sentence "And not to any person or persons employed by, or working for contractors for public works and improvements, but not on the works or improvements themselves, nor to persons, or corporations contracting merely for the furnishing of supplies or materials for such works or improvements."

RAMSEY,
Chairman.

On motion of McNally the amendments reported by the Committee of the Whole were rejected by the following vote:

Ayes—Armitage, Bartlett, Buckley, Carroll, Clem, Dee, Elliott, Evans, Gilna, Hewett, Hill, Humber, Kelly, J. N., Kennedy, Lindsay, Loeb, Longstaff Marcum, McMahon, McNally, Morgan, Morton, Mulville, O'Malley, Owens, Penwell, Power, Sanford, Shifelbin, Stanton, Stephens, Stork, Sullivan, Taylor, Whipple, Whyte, Woods—37.

Noes—Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Clark, Cochran Edwards, Greenfield, Hart, Hepner, Kelly, W. M., Langhorne, Leehey, Lewis, McCabe, McIntire, Newton, O'Connor, Owsley, Perrine, Phillips, Ramsey, Shovlin, Warren, Whiteside, Mr. Speaker—28.

Absent—Metlen, Wamsley, Watkins—3.

House Bill No. 3 was ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration House Bill No. 31, recommend that it be amended by striking out the enacting clause.

RAMSEY,
Chairman.

On motion of Clem House Bill No. 31 was indefinitely postponed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Clem:

House Bill No. 126, A Bill to provide for stocking the streams of Montana with young fish.

Read first and second time, referred to Committee on Fish and Game.

By Lewis:

House Bill No. 127, An Act to require Railroad Companies to keep their right of way clear of all dry grass and other combustibles.

Read first and second time, referred to the Committee on Railroads and Transportation.

On motion of Clark the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker Pro Tem in the chair.

Roll called—Quorum present.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Clark:

House Bill No. 128, A Bill for "An Act to establish a tax on direct and collateral inheritances, bequests, and devises, to provide for its collection and direct the disposition of its proceeds."

Read first and second times and referred to the Committee on Judiciary.

By Loeb:

House Bill No. 129, A Bill for "An Act amending Section 392 of the Political Code of the State of Montana, relative to the compensation of the Lieutenant Governor."

Read first and second time and referred to the Committee on State Boards and Officers.

Also.

House Bill No. 130, A Bill for "An Act to repeal Sections 4560, 4561, 4562, 4563, 4564, 4565, 4566, 4567, 4568, 4569 and 4570 of the Political Code of the State of Montana, being all of Article XII of Chapter III, Title II, Part IV of said Political Code creating the office of County Auditor and providing for his duties."

Read first and second time and referred to the Committee on Judiciary.

By Whiteside:

House Bill No. 131, A Bill for "An Act to amend Section 2510, Article 4, Chapter 4, Title 5, Part 3, of the Political Code of the State of Montana relating to Soldiers Home."

Read first and second time and referred to the Committee on State Institutions and Buildings and Grounds.

By Stephens:

House Bill No. 132, A Bill for "An Act to appropriate funds for the maintenance of the University of Montana for the years of 1897 and 1898."

Read first and second time and referred to the Committee on Appropriations.

By Sanford:

House Bill No. 133, "For an act to provide for the establishment of a Board of Railroad Commissioners and to define their powers and duties."

Read first and second times and referred to the Committee on Railroad and Transportation.

MESSAGES FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, January 19th, 1897.

Mr. Speaker:

I am directed by the Senate to inform you that the following bills were introduced:

By Chandler:

Senate Bill No. 27, A Bill for an Act to amend Section 4595 of the Political Code of Montana.

Read first and second time and referred to Committee on Counties and Towns.

Also,

Senate Bill No. 28, A Bill for an Act to Prohibit Gambling and to Provide for the Penalties therefor within the State of Montana.

Read first and second times and referred to the Committee on Judiciary.

By Power:

Senate Bill No. 29, A Bill for an Act to add an additional section to Chapter 8, Part 3, Title 8, of the Political Code of Montana, to be numbered Section 2937.

Read first and second time and referred to Committee on Judiciary.

By Sligh:

Senate Bill No. 30, A Bill for An Act to Amend Section 1292 of the Political Code of Montana, in relation to the reserving of official Ballots.

Read first and second times and referred to Committee on Privileges and Elections.

Also,

Senate Bill No. 31,A Bill for an Act to amend Section 4635 Political Code of Montana, relating to Fees for Recording Notices of Locations of Mining Claims.

Read first and second times and referred to Committee on Mines and Mining.

Also,

Senate Bill No. 32, A Bill for an Act to amend Section 1012 of the Political Code of Montana relating to the time of filing Oaths of Office.

Read first and second time and referred to Committee on Judiciary.

By Leonard:

Senate Bill No. 33, Introduced by consent without previous notice. A Bill for an Act entitled an Act to Amend Section 825, Article 2, Title 6, Part 4, Division 1, of the Civil Code, relating to the Building, Loan and Savings Corporations.

Read first and second time and referred to Committee on Judiciary.

The following notices were read:

Mr. President:

I hereby give notice that I will to-morrow or some subsequent day introduce a bill for an act to submit to the qualified voters of the State of Montana an amendment to Section 15, Article 12, of the Constitution of the State of Montana, relating to revenue and taxation.

CHANDLER.

Yours Respectfully,

JOHN BLOOR,

Secretary of Senate

GENERAL ORDERS.

On motion of Leehey the House resolved itself into a Committee of the Whole for the consideration of General Orders.

House resumed.

Mr. Speaker in the chair.

Hepner of the Committee of the Whole was granted further time in which to report.

On motion of Elliott the House adjourned.

DAVID MARKS,
Chief Clerk.

EIGHTEENTH DAY.

House of Representatives,
Helena, Montana, January 21st, 1897,

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Seventeenth day read and approved.

Perrine was excused for the day.

NOTICES OF THE INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Cochran:

Bill for an act to amend Section 1354, Chapter IX., Title II., Part III., of the Political Code of the State of Montana, relative to ballots in voting.

By Hart:

Bill for an act entitled, A Bill for an Act entitled An Act to amend Section 712 of the Penal Code of Montana, relating to the transportation of explosives.

By Leehey:

Bill for an act to amend Section 182 of the Code of Civil Procedure, relating to certain private business interests of judicial and court officers.

By Woods:

Bill for an act to amend Section 1900, Chapter 6, Article 12, of the Political Code, relating to teachers' institutes.

By O'Connor:

Bill for an act to amend Section 394 of the Code of Civil Procedure of the State of Montana, relating to the admission to practice of attorneys at law from other states or counties.

By Langhorne:

Bill for an act to add an additional section to Division 3, Part 4, Title 13. Chapter 2, of Article 3, relating to the rights of sureties of the Civil Code of Montana, to be known as section 3697.

Also,

Bill for an act to permit surety companies to do business in this state, and regulating the method thereof.

REPORT OF STANDING COMMITTEES.

The following report was received:

Helena, Montana, January 20, 1897.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 83, "A Bill for an Act authorizing the Governor to appoint a Commissioner to survey and define a portion of the State line between the States of Montana and Idaho, and appropriating moneys for the payment thereof," respectfully report the same back to the House with the recommendation that it be printed.

COCHRAN,
Chairman.

House Bill No. 83 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Agriculture and Stock Growing to whom was referred House Bill No. 121, having had the same under consideration, recommend that the same do pass.

BROWN,
Chairman.

House Bill No. 121 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Education have had under consideration House Bill No. 6, to establish and maintain a uniform series of Free Text-Books for the Public Schools of Montana herewith return it with the recommendation that its consideration be indefinitely postponed.

Your committee have had also under consideration of House Bill No. 1, "To establish and maintain a uniform series of Text-Books in the public schools of Montana. We hereby report a substitute bill for the same with the recommendation that it be adopted.

GREENFIELD,
Chairman.

The report of the committee was adopted and substitute for House Bill No. 1 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 22 and 51, beg leave to report as follows:

House Bill No. 22, A Bill for an Act regulating the hours of Labor of Stationary Engineers and fixing the penalties for violation thereof, has been properly printed.

House Bill No. 51, A Bill for an Act entitled an Act to amend Section 3162 of the Code of Civil Procedure, relating to witnesses has been properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 22 and 51 were placed upon the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Federal Relations to whom was referred House Joint Memorial No. 1, relating to a Government Banking System, beg leave to report that we have considered the same and report a substitute therefor strictly on the line of the memorial which substitute we append to this report.

STEPHENS,
Chairman.

The report was adopted and the substitute for House Joint Memorial No. 1 was placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Federal Relations to House Joint Memorial No. 2 relating to amending the Constitution of the United States so as to provide for the election of United States Senators by a direct vote of the people and the number of terms Senators shall hold their office, beg leave to report: That they have considered the same and have amended said memorial by striking out that part relating to the number of terms during which Senators may hold office, and as amended recommend that the same do pass.

. STEPHENS,
Chairman.

On motion the amendments were adopted and the memorial was placed on the General Orders.

The following report was received:

To the Speaker:

Your Committee on Federal Relations, to whom was referred House Joint Memorial No. 3, beg leave to report that we recommend the adoption of the accompanying amendments and as so amended recommend that it do pass.

STEPHENS,
Chairman,

The amendements offered to House Joint Memorial No. 3 were adopted and the memorial was placed upon the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Federal Relations to whom was referred a communication from the Board of Trade of Dallas, Texas, having had the same under consideration and find it an appeal to commercial and legislative bodies to memorialize Congress to pass the Torry Bankruptcy Bill, and after examination conclude to present herewith a House Joint Memorial for the subject, and for that purpose ask the consent of the House that the same may be done without notice.

STEPHENS,
Chairman.

The following report was received:

Mr. Speaker:

I beg leave to report that House Bill No. 53 which was referred to me, has had consideration and I recommend that the substitute herewith submitted be adopted in lieu of the original bill.

THOMAS GILNA.

On motion of Edwards the report was adopted and the bill was ordered printed.

The following report was received:

Mr. Speaker:

The Committee of the Whole begs to submit the following report. That it had under consideration House Bill No. 10 and recommend that it be referred back to the Judiciary Committee.

That it had under consideration House Bill No. 27 and reports progress and begs leave to sit again.

S. H. HEPNER,
Chairman.

The report was adopted and House Bill No. 10 was referred to the Committee on Judiciary.

Lewis moved to adjourn. Motion lost by the following vote:

Ayes—Bartlett, Bourne, Butler, Campbell, Clark, Elliott, Evans, Hepner, Hewett, Humber, Kelly, W. M., Lindsay, Lewis, McCabe, McMahon, Mulville, Newton, O'Connor, Owsley, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Sullivan, Taylor, Wamsley, Warren, White, Mr. Speaker—32.

Noes—Armitage, Brown, Bruffy, Caldwell, Carroll, Clem, Cochran, Dee, Edwards, Gilna, Greenfield, Hart, Hill, Kelly, J. N., Kennedy, Langhorne, Leehey, Longstaff, Marcum, McIntire, McNally, Morgan, Morton, O'Malley, Owens, Penwell, Stephens, Stork, Watkins, Whipple, Whiteside, Woods—32.

Absent—Buckley, Loeb, Metlen, Perrine—4.

RESOLUTION.

The following was presented and adopted:

Mr. Speaker:

I offer as a resolution that the Committee to be appointed by you for the investigation of affairs of the Capitol Building Commission, and the members thereof, shall be given full and absolute power by this House to summon witnesses, persons, papers, etc. And further, that it be the sense of this

House that they shall be given full power to acquire all knowledge possible in the matter in order that the House may be fully advised upon the matters sought to be investigated.

OWSLEY.

Whipple moved that we proceed to the election of an extra page and nominated Arthur Brown for the position.

Leehey moved to amend by electing two extra pages and nominated Sam Langhorne as the second one.

Stephens asked for a division of the question.

The amendment of Leehey being put was lost by the following vote:

Ayes—Bartlett, Bourne, Elliott, Hepner, Humber, Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Lewis, McMahon, Morton, Phillips, Power, Sanford, Shifelbin, Shovlin, Stork, Sullivan, Wamsley, Warren, Whipple—23.

Noes—Armitage, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Evans, Gilna, Greenfield, Hart, Hewett, Hill, Kelly, J. N., Loeb, Longstaff, Marcum, McCabe, McIntire, McNally, Morgan, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Stanton, Stephens, Taylor, Watkins, White, Whiteside, Woods—41.

Absent—Buckley, Metlen, Perrine, Ramsey—4.

On motion of Leehey the original motion was laid on the table.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Committee on Appropriations:

House Bill No. 134, A Bill for an Act appropriating money for the payment of the claim of E. W. Stetson, account salary and expenses as Accountant to State Examiner during the months of October and November, 1896, inclusive.

Read first and second time, referred to Committee on Printing.

Also,

House Bill No. 135, A Bill for an Act appropriating money for the payment of the claim of the County of Cascade, Montana, account transportation of prisoners to Reform School during the year 1895.

Read first and second time, referred to Printing Committee.

By Ramsey:

House Bill No. 136, An Act to provide for the organization, regulation and inspection of Building Loan Associations.

Read first and second time, referred to Committee on Insurance.

By Lindsay:

House Bill No. 137, A Bill for an Act entitled an Act to add an additional section to Chapter VI, Title IX, Part I, of the Penal Code to be known and numbered as Section 543 relating to the sale of intoxicating liquors on Sunday.

By Carroll:

House Bill No. 138, An Act to amend Sections 1354 and 1361 of the Political Code of the State of Montana relating to ballots and voting at elections.

By Stanton:

House Bill No. 139, A Bill for an Act to provide for the photographing and numbering of prisoners committed to the State Penitentiary.

By Penwell:

House Bill No. 140, A Bill for an Act to amend Section 1222 of the Code of Civil Procedure relating to exemptions.

By Loeb:

House Bill No. 141, An Act providing for the Incorporation, Operation and Management of Co-operative Associations.

On motion of Hart the House adjourned.

DAVID MARKS,
Chief Clerk.

NINETEENTH DAY.

House of Representatives,
Helena, Montana, January 22, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, quorum present.

Prayer by the Chaplain.

Journal of Eighteenth day read and approved.

Notices of the introduction of bills were given as follows:

By McMahon:

Bill for an Act relating to the State Penitentiary.

By Carroll:

Bill for an Act to provide for the exemption of wages and earnings of debtors and for the release of the same from attachment and levy under exemption.

By Langhorne:

Bill for an Act to add an additional section to Chapter 7, Title 14, of the Code of Civil Procedure to be numbered section 1906.

Also,

Bill for an Act to add an additional section to Division 3, Part 4, Title 13, Chapter 2, Article 2, Liabilities of Sureties, of the Civil Code of Montana, to be known as section 3685.

By Stephens:

Bill for an Act to amend the Fifth Sub-division of Section 4063 of Article 2, Chapter 13, of the Political Code, relating to licenses.

By Stanton:

Bill for an Act to amend Section 4526 and 4531 of Title 3, of Part 2, Division 4, of the Civil Code, relating to assignments.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Appropriation, to whom was referred the appeals of Jas. B. Wells, J. V. Jerome, L. R. Peck, C. D. French and Fred. H. Foster, respectfully report the same back to the House with the recommendation that they be referred to the Judiciary Committee.

W. H. COCHRAN,
Chairman.

On motion the report was adopted.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills, Nos. 50, 68, 69, substitute for Nos. 1, 45, 43 and 40, beg leave to report as follows:

House Bill No. 50, A Bill for An Act entitled an "Act to amend Section 442 of Article VII, Chapter III, Title I, Part III, of the Political Code of Montana, relating to the State Treasurer," has been properly printed.

House Bill No. 68, A Bill for an Act to amend Section 1632 and 1633 of Chapter VIII., of Title XI., of Part II. of the Code of Civil Procedure of the State of Montana relating to abstracts of justice of the peace judgments, has been properly printed.

House Bill No. 69, A Bill for an Act repealing Section 162 and amending Section 163 of Article 2 of the Political Code of Montana, has been properly printed.

Substitute for House Bill No. 1, A Bill for an Act to establish a uniform series of Text-Books for the Public Schools of Montana, and to Regulate the Supply of the same, has been properly printed.

House Bill No. 45, A Bill for An Act to provide for the Appraisement and Re-appraisement, Sale and Lease of State Lands and Improvements thereon. has been properly printed.

House Bill No. 43, A Bill for an Act to Prevent Indians running at large off their Reservations in the State of Montana, has (been?) properly printed.

House Bill No. 40, A Bill for an Act to prohibit employers from deducting or withholding from the wages or compensation of employes any sum of money for medical or surgical (care?) or attention, without the previous knowledge and consent of such employe, and to prevent coercion or intimidation in obtaining such consent, has been properly printed.

D. P. O'CONNOR,
Chairman.

House Bill Nos. 50, 68, 69, Substitute for House Bill No. 1, 45, 43, and 40 were placed on the General Orders.

Mr. Speaker:

Your Committee on Privileges and Elections, to whom was referred House Bill No. 37, "A Bill for an Act Providing for the Submission to the Qualified Electors of the State of Montana, an Amendment to Section 2, Article IX., of the Constitution, Relating to the Rights of Suffrage and Qualification to Hold Office," respectfully report the same back to the House recommending its passage. While your Committee is not unanimously in favor of the principles and purposes of this bill, we are yet in favor of placing the subject in position to receive an expression direct from the people, as will necessarily be the case where a Constitutional Amendment is involved.

D. SHOVLIN,
Chairman.

House Bill No. 37 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Labor to whom was referred House Bill No. 71, "A Bill for an Act to amend Section 2780 of Chapter II, Title IV, Part III, of the Code of Civil Procedure of the State of Montana relating to Mechanics' Liens, respectfully report the same back to the House and recommend that it be referred to the Judiciary Committee, as we are unable to find its legality.

J. E. McNALLY,
Chairman.

House Bill No. 71 was referred to the Committee on Judiciary.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment to whom was referred House Bill No. 3, respectfully report the same back correctly engrossed.

C. F. STORK,
Chairman.

The following report was received:

Mr. Speaker:

Your Committee on State Boards and Officers respectfully report that they have had House Bill No. 124, entitled "A Bill for An Act to amend Section 4630 of an Act entitled, "An Act to establish a Political Code, approved February 25th, 1895, relating to the fees of Public Officers," under consideration, and report the same back to the House with the recommendation that, as it pertains wholly to fees relating to insurance companies, that it be referred to the Committee on Insurance.

HUMBER,
Chairman.

House Bill No. 124 was referred to the Committee on Insurance.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, herewith submit the following report:

We have had under consideration House Bill No. 56, "A Bill for an Act providing for the submission to the qualified electors of the State of Montana, of an amendment to Section 4 of Article XVI. of the Constitution relating to County Commissioners," introduced by Leehey, and we recommend that it be printed.

We have also carefully considered House Bill No. 76, "A Bill for an Act to amend Section 1862 of the Code of Civil Procedure," and we recommend that it do not pass.

We also report that we have carefully considered House Bill No. 128, "A Bill for an Act to establish a tax on direct and collateral inheritances bequests, and devises, and to provide for its collection and direct the disposition of its proceeds," introduced by Clark, and we recommend that it do pass.

We have also considered House Bill No. 87, "A Bill for an Act to amend

Section 3698, Chapter 3rd, of Title 10 of Part 3rd of the Political Code of the State of Montana, relating to the valuation and apraisement of real estate." introduced by Lindsay, and we recommend that it do pass.

Respectfully submitted,
M. D. LEEHEY,
Chairman.

House Bills Nos. 56, 87 and 128 were ordered printed.

House Bill No. 76 was placed on the General Orders.

House Bills Nos. 137 and 140 were read first and second times and referred to the Committee on Judiciary.

House Bill No. 138 was read first and second times and referred to the Committee on Privileges and Elections.

House Bill No. 139 was read first and second time and referred to the Committee on Ways and Means.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Loeb:

House Bill No. 141, Bill for an act providing for incorporation, operation and management of co-operative associations.

Read first and second time and referred to the Committee on Incorporations and Manufacturing.

By Woods:

House Bill No. 142, Bill for an act to amend Section 1900, Chapter 6, Article 12, of the Political Code, relating to Teachers' Institutes.

Read first and second time and referred to the Committee on Education.

By Watkins:

House Bill No. 143, Bill for an act to amend Section 4660, Chapter 4, Part 4, Title 2, of the Political Code of Montana.

Read first and second time and referred to the Committee on Ways and Means.

By O'Connor:

House Bill No. 144, Bill for an act to amend Section 394 of the Code of Civil Procedure of the State of Montana, relating to the admission to practice of attorneys at law from other states or counties.

Read first and second times and referred to the Committee on Judiciary.

By J. M. Kennedy:

House Bill No. 145, Bill for an act to amend Section 182 of the Code of Civil Procedure of the State of Montana, reating to certain private business interests of judicial and court officers.

Read first and second times and referred to the committee on Judiciary.

By Langhorne:

House Bill No. 146, Bill for an act to permit surety companies to do business in this State and regulating the method thereof.

Read first and second times and referred to the Committee on Ways and Means.

Also,

House Bill No. 147, for an act to add an additional section to Division 3, Part, 4, Title 13, Chapter 2, Article 3, Rights of Sureties of the Civil Code of Montana, to be known as Section 3697.

Read first and second times and referred to the Committee on Judiciary.

By Butler:

House Bill No. 148, Bill for an act to amend Sections 953, 954 and 956 of Chapter 8 of the Civil Code of the State of Montana, relating to Live Stock killed or injured by railroads.

Read first and second time and referred to the Committee on Agriculture and Stock Raising.

By Hart:

House Bill No. 149, Bill for an act entitled, An Act to amend Section 712 of the Penal Code of Montana.

Read first and second time and referred to the Committee on Ways and Means.

By Stephens:

House Joint Memorial No. 4.

Read first and second times and placed on General Orders.

MESSAGES FROM THE SENATE.

The following communications were received:

Senate Chamber,
Helena, Montana, January 21st, 1897.

Mr. Speaker:

The following notice of introduction of bills was given:

By Sligh:

A Bill for an Act, to declare unlawful, all contracts, trusts, or combinations made with a view to lessen, or which tend to lessen, free competition in the importation into, sale and manufacture of articles in this State, and to provide penalties for the violation thereof.

Yours Respectfully,
JOHN BLOOR,
Secretary of the Senate.

Senate Chamber,
Helena, Montana, January 20, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that the following bills were introduced in this body to-day:

By Chandler:

Senate Bill No. 34, A Bill for an Act to submit to the qualified electors of the State of Montana, for their approval or rejection, at the next general election to be held in this State for members to the Legislative Assembly, an amendment to Section 15 of Article 12 of the Constitution of the State of Montana, relating to Revenue and Taxation.

Read first and second times and referred to Committee on Judiciary.

By Norris:

Senate Bill No. 35, A Bill for an Act to amend Chapter 12, Title 10, Part 3, Political Code, by adding thereto Sections 4024, 4025 and 4026 providing for the payment of Taxes, Licenses, and other demands for public revenue, when deemed unlawful under protest, and for the recovery thereof.

Read first and second times and referred to Committee on Judiciary.

The following notices of introduction of bills were read:

By Campbell:

A Bill for an act to amend Chapter 1, Title 7, Part 3, of the Political Code embracing Sections 2860 to 2864 relating to Boards of Health of Counties and prescribing their duties.

By Hannah:

A Bill for an Act to repeal Sections 2870, 2871, 2872, 2873, 2874 and 2875, being all of Chapter 2, Title 7, Part 3 of the Political Code and to substitute and provide for the collection of vital Statistics by School District Clerks.

Yours Respectfully,
H. S. CORBLY.
Assistant Secretary of Senate.

On motion of Cochran the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called, quorum present.

GENERAL ORDERS.

On motion of Langhorne the House resolved itself into a Committee of the Whole for the consideration of the General Orders.

Hepner in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

The Committee of the Whole begs leave to submit the following report:

That it had under consideration House Bill No. 27 and recommends the passage thereof with the following amendment:

That in line five of the printed bill the words "three thousand five hundred" be stricken out and the words "four thousand" be inserted.

H. S. HEPNER,
Chairman.

On motion of Loeb the report was adopted and House Bill No. 27 as amended was ordered engrossed.

On motion of Longstaff the House adjourned until 2 P. M. Monday January 25th.

DAVID MARKS.
Chief Clerk.

TWENTY-SECOND DAY.

House of Representatives,
Helena, Montana, January 25th, 1897.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called, Quorum present.

Prayer by the Chaplain.

Journal of Nineteenth day read and approved.

Leave of absence was granted for the day to Butler, Campbell, Kelly, J. N., Langhorne, O'Connor, Penwell.

MESSAGES FROM THE SENATE.

The following communications were received:

Senate Chamber,
Helena, Montana, January 21, 1897.

Mr. Speaker:

I have the honor to inform you that the Senate has passed Senate Bills Nos. 1, 5 and 9.

Said bills are herewith transmitted, and your concurrence therein respectfully requested.

Very Respectfully,
JOHN BLOOR,
Secretary of Senate.

Senate Chamber,
Helena, Montana, January 22nd, 1897.

Mr. Speaker:

I have the honor to inform you that the following bills were introduced:

By Sligh:

Senate Bill No. 36, A Bill for an Act declaring unlawful and void all trusts or combinations created with a view to prevent competition in trade in the State of Montana, and to provide penalties for the violation of this act.

Read first and second time and referred to Committee on Labor and Capital.

By Hannah:

Senate Bill No. 37, A Bill for an Act to repeal Sections 2870. 2871. 2872. 2873, 2874, and 2875 being all of Chapter 2 .Title 7. Part 3 of the Political Code. and to substitute therefor, provisions for the collection of vital statistics by School District Clerks.

Read first and second time and referred to Committee on Education.

By Auld:

Senate Bill No. 38, A Bill for an Act to amend Sections 920 and 921, Article 3, Chapter 6, Part 3, Title 1, of the (Political Code?) of the State of Montana, relating to the duties of Notaries Public.

Read first and second times and referred to Committee on Judiciary.

The following notices of the introduction of bills have been given:

By Leonard:

A Bill for an Act amending Section 639 of the Code of Civil Procedure, relating to the service of summons by publication.

By Chandler:

A Bill for an Act to amend Section 4120 of the Political Code of the State of Montana, concerning the boundary of Fergus County and locating the County Seat of said County.

JOHN BLOOR,
Secretary of Senate.

Senate Chamber,
Helena, Montana, January 22nd, 1897.

Mr. Speaker:

I have the honor to inform you that the Senate has passed Senate Bills Nos. 6, 19 and 20.

Said bills are herewith transmitted and your concurrence therein respectfully requested.

Yours respectfully,
JOHN BLOOR,
Secretary of Senate.

PETITIONS.

Petitions, numbering about 800 signers relative to the division of Deer Lodge County were read, and allowed to remain on the Clerks desk for reference.

NOTICE OF INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Clem:

Bill to amend Section 2961, Title 1, Column 2, Page 1163. relating to the employment of convicts:

By Cochran:

Bill for an Act to amend Section 4066, of Article 2, Chapter 13, Title 10, Part 3, of the Political Code of Montana, relating to the licensing of peddlers, hawkers and traveling merchants.

By Clark:

Bill for an Act to amend Sections 2300, 2301, 2302, 2307 2308, and 2309 and adding two new sections thereto to be numbered 2312 and 2313 of Article 3, Chapter 1, Title 5, Part 3, of the Political Code of Montana, relating to the examination and committal of insane persons, and providing for their maintenance.

By Longstaff:

Bill for an Act providing liens upon saw-logs, piling and shingles, and concerning the remedy to secure and obtain such liens, and the benefit thereof, and the manner and procedure of obtaining the same.

Also,

Bill for an Act creating and providing for the enforcement of liens for labor and material.

By Stanton:

Bill for an act to amend Part 3, Title 10, Chapter 13, Article 2, of the Political Code of Montana, relating to licenses, by adding thereto a section to be known as and numbered 4084.

By Whiteside:

Bill for an Act to amend Section 714, Article 19, Chapter 3, Part 3, Title 1, of the Political Code, relating to the employment of clerks.

By Bartlett:

Bill for an act to abolish the office of coroner and to provide for the performance of the duties of his office.

By W. J. Kennedy:

Bill for an Act to provide for the punishment of trespassers upon private lands, hunting, fishing or otherwise.

By McMahon:

Bill for an Act to amend Section 3310 of Chapter 18, of Title 7, and Subdivision 3 of Section 4062 of Chapter 12, of Title 10, Article 2, of Part 3, of the Political Code of the State of Montana, relating to pawnbrokers and junk dealers and their licenses.

By Shiffelbin:

Bill for an Act to repeal that portion of the portion in parenthesis, of subdivision 64, of Section 4800, Chapter 3, Article 4, Title 3, Part 4, of the Political Code of the State of Montana, beginning with the words, That whenever a franchise has been granted to" and ending with the words, "plant and supply already in operation therein as herein provided," relating to the powers of city or town councils.

Also,

Bill for an Act amending sections 2585 and 2586 of Chapter 3, Title 4, Division 3, Part 4 of the Civil Code of the State of Montana, fixing the rates of interest; and relating to usury.

Humber moved a call of the House.

A call was had and Whipple was found to be absent without leave.

On motion of Humber further proceedings under the call was dispensed with.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Education having had under consideration House Bill No. 5, a Bill for an Act to amend Section 1778 of the Political Code, approved March 11, 1895, herewith return it with the accompanying amendment and as amended, recommend that it do pass.

GREENFIELD,
Chairman.

On motion of Morgan the amendments were adopted and House Bill No. 5 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Education having had under consideration House Bill No. 142, a Bill for an act to amend Section 1900, Chapter 6, Article 12, of the Political Code, relating to teacher's institutes, hereby return it with the accompanying amendment, and as amended recommend that it do pass.

GREENFIELD,
Chairman.

On motion of McIntire the amendment was adopted and House Bill No. 142 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Education having had under consideration House Bill No. 23, a Bill for an Act to provide certain free scholarships at the school of Mines at Butte, herewith return it with the accompanying amendment, and as amended recommend that it do pass.

GREENFIELD,
Chairman.

On motion of Loeb the amendments were adopted and House Bill No. 23 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Education, who have had under consideration House Bill No. 19, a Bill for an Act to amend Section 1492, Part 3, Title 3, Chapter 6, Article 16, relating to apportioning school funds, herewith return the same with a substitute, and recommend that the substitute do pass.

GREENFIELD,
Chairman.

On motion of Clem the substitute reported to House Bill No. 19 was adopted and the same ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Affairs of Cities, begs leave to submit the following report: That they have had under consideration House Bill No. 14, "A Bill for an Act abolishing the office of City Treasurer of incorporated cities, and making the County Treasurer wherein said incorporated cities are located, ex-officio City Treasurer, and amending Sections Nos. 4740, 4870 and 4350 of the Political Code of the State of Montana, to be consistent with said Act, and repealing Sections 4767 and 4788 of the Political Code of the State of Montana, and all Acts and parts of Acts inconsistent with this Act," and that after due consideration, the Committee recommends that the same be indefinitely postponed.

H. S. HEPNER,
Chairman.

On motion of McCabe the report of the Committee was adopted and House Bill No. 14 was indefinitely postponed.

The following reports were received:

Mr. Speaker:

Your Committee on the Affairs of Cities begs leave to submit the following report: That it had under consideration House Bill No. 57, being, "A Bill for an Act to amend Sections 897 and 898, of Chapter V, of Title XIII, of Part I, of the Penal Code of the State of Montana, relating to larceny of gas, water, and electric current for light and power purposes," and begs to recommend that the same do pass.

H. S. HEPNER,
Chairman.

Mr. Speaker:

Your Committee on the Affairs of Cities, begs leave to submit the following report: That they have had under consideration House Bill No. 80, being "A Bill for an Act to amend Sections 4980, 4741, and 4748 of the Political Code of the State of Montana, as published, entitled Part IV., Title III, Chapter III, Article II, relating to organization and government of cities and towns, approved March 13th, 1895." and beg to recommend that the same do pass.

H. S. HEPNER,
Chairman.

House Bills Nos. 57 and 80 were ordered printed.

Mr. Speaker:

Your Committee on Fish and Game, to whom was referred House Bill No. 123, having carefully considered the same, report as follows:

On motion, it was ordered that House Bill No. 123, introduced by Stork, be recommended to be indefinitely postponed, and that the accompanying bill substitute therefor be adopted.

WHITE CALDWELL,
Chairman.

On motion of Greenfield the report was adopted and substitute for House Bill No. 123 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Labor to whom was referred House Bill No. 81, entitled a Bill for an Act regulating the hours of employment in smelters and other institutions for the reduction or refining of ores or metals and providing penalties for violations of its provisions and repealing all acts and parts of acts in conflict therewith," report the same back with the recommendation that it be amended by the addition of the words "Except in cases of necessity where life or property is in imminent danger," after the word "day" in the last line of Section 1, and that as so amended said bill do pass.

J. E. McNALLY,
Chairman.

On motion of Clem the amendments were adopted and House Bill No. 81 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Labor to whom was referred House Bill No. 72, entitled "A Bill for an Act to prevent the transaction and performance of business and work, except business or work of necessity, charity or mercy, on Sunday and to amend certain laws in violation thereof," beg leave to report that we have carefully considered the same and report it back with the recommendation that it do not pass.

J. E. McNALLY,
Chairman.

House Bill No. 72 was placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Labor to whom was referred House Bill No. 4 entitled "A Bill for an Act to provide for the use of the International Typographical Union Label on all State Printing," beg leave to report the same back with recommendation that it be ordered printed.

J. E. McNALLY,
Chairman.

House Bill No. 4 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Townships and Counties to whom was referred House Bill No. 21, an Act to create the County of Powell respectfully report the same back to the House and recommend that it be printed.

JNO. P. McCABE,
Vice-Chairman.

House Bill No. 21 was ordered printed.

Mr. Speaker announced the appointment in accordance with the resolution passed a few days since, of Warren, Whiteside, McIntire, Whipple, and Ramsey to serve on the committee to investigate the affairs of the State Capitol Commission.

RESOLUTION.

McIntire presented the following:

Whereas a certain newspaper published in the State of Montana has cast reflection upon the dignity and honor of this body by printing the following malicious and untruthful article:

"THEY SHOULD BE PROUD.

"Those fellows in this county who elected R. X. Lewis as representative certainly have reason to be proud of their work, for on the first day's session of the house their representative gave evidence of his forensic and legislative ability. Out of the 91 members of the legislature, R. X. Lewis was the only one upon the floor who was under the influence of liquor. In this condition he solicited and secured the privilege of nominating one of the other seven republican members for speaker, and his efforts to maintain his equilibrium and stand upright was as pitiful as was the demonstration of his ignorance by the words he uttered, which were plainly the rambling and nonsensical mutterings of a drunkard. He has already been placed upon his proper level by his colleagues and is associated with and recognized by only those who frequent the beer halls and bar-rooms. On this occasion, we are informed, the conduct of the honorable representative was such that he was twice called down by the speaker, whom, in the confused state of his mind, he addressed as Mr. Chairman, and it even became necessary for the sergeant-at-arms to reprove him for his ungentlemanly conduct and quiet him by a threat of removal from the floor of the house. Truly have the gambling fraternity of Valley county and their worthy coadjutors reason to be proud of their selection for the State Legislature." And,

Whereas, The above statements are known to be untruthful and the character of no member of this body being safe in the hands of an individual capable of so misrepresenting facts, and ignoring the truth, therefore be it,

Resolved, That this body do hereby express its respect and esteem for the member from Valley County, Mr. Lewis by declaring by its votes that the statements made in the foregoing article are malicious and untrue.

The resolution was adopted by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Caldwell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, W. M., Kennedy, Leehey, Lindsay, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Warren, Watkins, Whyte, Whiteside, Woods, Mr. Speaker—59.

Noes—None.

Absent—Butler Campbell, Kelly, J. N., Langhorne, Metlen, O'Connor, Penwell, Whipple—8.

Excused from voting—Lewis—1.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Cochran:

House Bill No. 150, Bill for an Act to amend Section 1354 and 1361 of the Political Code of the State of Montana, relating to the ballot and the voting of electors.

Read first and second time and referred to the Committee on Privileges and Elections.

By Carroll:

House Bill No. 151, Bill for an Act to provide for the exemption and earnings of debtors and for the release of the same from attachment and levy under exemption.

Read first and second time and referred to the Committee on Judiciary.

By Stanton:

House Bill No. 152, Bill for an Act to amend Sections 4526 and 4531 of the Civil Code of the State of Montana, relating to assignments.

Read first and second time and referred to the Committee on Judiciary.

By Stephens:

House Bill No. 153, Bill for an Act to amend the 5th Sub-division of Section 4063 of Article 2 of Chapter 13 of the Political Code concerning licenses.

Read first and second time and referred to the Committee on Ways and Means.

READING OF SENATE BILLS.

Senate Bill No. 20, A Bill for "An Act to amend Section 895 Code of Civil Procedure, relating to the attachment of real property."

Read first and second time and referred to Judiciary Committee.

Senate Bill No. 1, A Bill for "An Act to provide for the erection, completion, furnishing and equipment of buildings for the University of Montana."

Read first and second time and referred to Committee on Internal Improvements.

Senate Bill No. 6, A Bill for "An Act providing for the appointment of a Meat Inspector in cities having ten thousand inhabitants or over within the State of Montana, and prescribing the duties and powers of such Inspector, and to regulate the sale of stock, milk and meat for the purposes of food, and prescribing penalties for the violation of the provisions of this act."

Read first and second time and referred to Committee on Affairs of cities.

Senate Bill No. 9, A Bill for "An Act amending sub-division II, Section 1222, Chapter I, Title 9, of the Code of Civil Procedure, relating to executions and exemptions therefrom."

Read first and second time and referred to Committee on Judiciary.

Substitute for Senate Bill No. 5, A Bill for "An Act to amend Section 883 of the Penal Code of Montana relating to grand larceny."

Read first and second time and referred to Committee on Agriculture and Stockgrowing.

Senate Bill No. 19, A Bill for "An Act to amend Section 2950, Article 2, Chapter 5, Title 7, Part 3, of the Political Code in reference to the appointment of a Board of Stock Commissioners."

Read first and second time and referred to Committee on Agriculture and Stockgrowing.

THIRD READING OF BILLS.

House Bill No. 3 was read a third time and on motion of Hepner its further consideration was made a special order for 3 P. M. to-morrow.

On motion of Ramsey the House adjourned.

DAVID MARKS,
Chief Clerk.

TWENTY-THIRD DAY.

House of Representatives,
Helena, Montana, January 26th, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, quorum present.

Prayer by the Chaplain.

Journal of Twenty-second day read and approved.

NOTICES OF INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Buckley:

A Bill entitled a Bill for "An Act to regulate transportation and freight rates of railroads in this state and to create a state board of railroad commissioners, and to define the powers and duties of such board.

By Dee:

A Bill for "An Act to provide for the issuance by registry agents of certified copies of their record, and to fix the fees allowed therefor.

By Woods:

A Bill to amend Section 4233 of Chapter II, of the Political Code of the State of Montana, relating to County printing."

By Carroll:

A Bill for "An Act to amend Sections 3722 and 3723 of the Political Code of the State of Montana. relating to the assessment and taxation of persons and property."

By Watkins:

A Bill providing for the issuance by the State of interest bearing script with which to pay for all work done upon and material used in the construction of public buildings.

By O'Connor:

A Bill to amend Section 4596 of the Political Code. relating to salaries of deputies.

By Hewett:

A Bill for the creation of a Board of Commissioners with full power to locate, erect and equip, a modern Insane Asylum for the State of Montana.

By Owens:

A Bill to amend Sections 4594 and 4596 of the Political Code of the State of Montana relating to the salaries of County officers.

By Hepner:

A Bill for "An Act to cure defects in deeds heretofore made to real property that are defective in execution, and to cure defects in judicial sales of real property and sales of property by executors, administrators and guardians."

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Townships and Counties to whom was referred House Bill No. 75, A Bill for an Act extend and define the boundaries of Cascade County, respectfully refer the same back to the House and recommend that it do pass.

WHIPPLE,
Chairman.

House Bill No. 75 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on State Boards and Officers have had House Bill No. 52, An Act to amend Article III, Chapter IV, Title V, Part III of the Political Code by making thereto a Section numbered 2495, under consideration respectively report that they have carefully examined the Bill and recommend that it be amended by adding to Section 1 after the word "board," accompanying amendment, and that the bill as amended do pass.

HUMBER,
Chairman.

On motion of Clem the amendment to House Bill No. 52 was adopted and House Bill No. 52 was ordered printed.

The following report was received:

Your Committee on State Boards and Lands have had under consideration House Bill No. 84, An Act to amend Article VIII, of Part III, Title I, Political Code, by adding thereto three additional Sections, to be designated Section 657, Section 658 and 659, requiring a record of Pharmacists and Assistant Pharmacists to be kept, and reports to be made by Pharmacists and Assistant Pharmacists, and by all persons engaged in vending, dispensing and compounding drugs or medicines as proprietors or managers, or permitting the same to be done in their stores or places of business, and providing for penalties for violation thereof, and making the record and reports evidence, recommend the passage of the bill with the exception of the last clause of Section III.

HUMBER,
Chairman.

On motion of Taylor the amendment to House Bill No. 84 was adopted and the bill was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment to whom was referred House Bill No. 27, A Bill for an Act to reduce the Governors salary report the same back as properly engrossed.

C. F. STORK,
Chairman.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 25, 90, 91, 92, 93, 94, 96, 99, 100, 101, 102, 104, 105, 106, 107, 108; 109; 110; 111; 112, 113 and 114 beg leave to report as follows:

House Bill No. 25, A Bill for an Act to create the county of Rosebud, to define its boundaries and provide for its organization has been properly printed.

House Bill No. 90, A Bill for an Act appropriating money for the payment of the claims of certain persons for services rendered to and supplies furnished the Western Penitentiary, Montana, in the year 1896, has been properly printed.

House Bill No. 91, A Bill for An Act to appropriate money for the payment of claims of certain persons, companies, or corporations for services rendered to and supplies furnished during the year 1896, for the Deaf and Dumb Asylum, at Boulder, has been properly printed.

House Bill No. 92, A Bill for An Act appropriating money for the payment of sundry expenses of the State Board of Education in the year 1896, has been properly printed.

House Bill No. 93, A Bill for An Act apropriating money for the payment of the claim of Geo. Blinn, for services rendered to the State in November, 1896, as Boiler Inspector, has been properly printed.

House Bill No. 94, A Bill for an Act appropriating money for the payment of claims for services rendered and expenses incurred by the National Guard of Montana in the year of 1895, has been properly printed.

House Bill No. 96, A Bill for an Act appropriating money for the payment of the claims of certain persons, companies, or corporations for furnishing supplies and for services rendered to the Eastern Penitentiary, Montana, in the year 1895, has been properly printed.

House Bill No. 99, A Bill for an Act appropriating money for the payment of the claims of certain persons, companies, or corporations account fees illegally collected during the year 1896, has been properly printed.

House Bill No. 100, A Bill for an Act appropriating money for payment of sundry expenses of the State Board of Charities and Reform during the year 1896, has been properly printed.

House Bill No. 101, A Bill for an Act appropriating money for the relief of Mitchell and Mussigbrod for the care and keeping of the insane in the year 1896, has been properly printed.

House Bill No. 102, A Bill for An Act appropriating money for the payment of the claim of T. W. Lawson, for services rendered the State from December 1, 1896 to January 4th, 1897, inclusive, as Executive Clerk has been properly printed.

House Bill No. 104 A Bill for an Act appropriating money for the payment of sundry expenses of the State Board of Education in the year 1895, has been properly amended.

House Bill No. 105, A Bill for an Act appropriating money for the payment of the claim of Jas. McDonald for services rendered the State from October 15, 1895 to November 30, 1895 inclusive, as Janitor, other than Supreme Court has been properly printed.

House Bill No. 106, A Bill for an Act appropriating money for the payment of the claim of Lewis and Clarke County for balance due on account of State offices in the year 1895, has been properly printed.

House Bill No. 107, A Bill for an Act appropriating money for the payment of claims for services rendered to the State and expenses incurred by the National Guard of the State of Montana in the year 1896, has been properly printed.

House Bill No. 108, has been properly printed.

House Bill No. 109, A Bill for an Act appropriating money for the payment of the claim of F. D. Baker for services rendered to the State from July 1st, 1896 to November 30th, 1896 inclusive, as Watchman of Eastern Penitentiary, has been properly printed.

House Bill No. 110, A Bill for an Act appropriating money for the payment of claims of certain persons and companies for services rendered to and supplies furnished for the State Agricultural College in the year 1896, has been properly printed.

House Bill No. 111, A Bill for an Act appropriating money of claims for the relief of Mitchell and Mussigbrod for the care and keeping of the insane in the year 1895, has been properly printed.

House Bill No. 112, A Bill for an Act appropriating money for the payment of the claim of the State Publishing Company, account public printing for the State of Montana in the year 1896, has been properly printed.

House Bill No. 113, A Bill for an Act appropriating money for the payment of the claim of certain persons and companies for services rendered to and supplies furnished for the Orphans' Home in the year 1895, has been properly printed.

House Bill No. 114, A Bill for an Act appropriating money for the payment of the claim of Deer Lodge County account of costs incurred by the said County in case against Jos. P. Devine charged and convicted of escape from the State Prison in the year 1896, has been properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 25, 90, 91, 92, 93, 94, 96, 99, 100, 101, 102, 104, 105, 106, 107, 108; 109; 110; 111; 112; 113 and 114 were placed on the General Orders.

Wamsley moved that the motion made by Whipple on Thursday last to elect a page and that Arthur Brown be elected to the position which was laid on the table be taken up.

Leehey demanded a division of the question.

The motion that the House proceed to the election of a page prevailed.

Leehey amended the latter portion of the motion by having the House proceed elect by ballot a page.

The amendment was lost.

The motion that Arthur Brown be elected Page prevailed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Longstaff:

House Bill No. 154, Bill for an Act creating and providing for the enforcement of liens for labor and material.

Read first and second time and referred to the Committee on Judiciary.

Also,

House Bill No. 155, Bill for an Act providing liens upon saw-logs, piling, railroad ties, cord wood, or other timber, and upon lumber and shingles, and concerning the remedy to secure and maintain such liens, and the benefit thereof, and the manner and proceedure of obtaining the same.

Read first and second time and referred to the Committee on Judiciary.

By Clark:

House Bill No. 156, Bill for an Act to amend Sections 2301, 2302, 2307, 2308, and 2309, and adding two new sections thereto, to be numbered 2312 and 2313, of Article 3, Chapter 1, Title 5, Part 3, of the Political Code of Montana, relating to the examination of insane persons.

Read first and second time and referred to the Committee on Judiciary.

By Stanton:

House Bill No. 157, Bill for an Act to amend Part 3, Title 10, Chapter 13, Article 2, of the Political Code of Montana, relating to licenses, by adding thereto a section to be known as and numbered 4084.

Read first and second time and referred to the Committee on Ways and Means.

By W. J. Kennedy:

House Bill No. 158, House Bill No. 158, Bill for an act providing for the punishment of trespassers upon private lands, hunting, fishing or otherwise.

Read first and second times and referred to the Committee on Fish and Game.

By Leehey:

House Bill No. 159, Bill for an Act to amend Section 1563 of Article 2, Chapter 4, of Title 11, Part 2, of the Code of Civil Procedure of the State of Montana, relating to the attachments in justice of the peace courts.

Read first and second time and referred to the Committee on Judiciary.

By Cochran:

House Bill No. 160, Bill for an act to amend Section 4066 of Article 2 Chapter 13, Title 10, Part 3, of the Political Code of the State of Montana, relating to the licensing of peddlers, hawkers and travelling merchants.

Read first and second times and referred to the Committee on Ways and Means.

By Lewis:

House Bill No. 161, Bill for an Act, entitled An Act for the publication of certain General Laws.

Read first and second times and referred to the Committee of Ways and Means.

MESSAGES FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, January 25th, 1897.

Mr. Speaker:

I am directed by the Senate to inform you that the following bill was introduced.

By Leonard:

Senate Bill No. 39. A Bill for an Act amending Section 639 of the Code of Civil Procedure, relating to the service of summons by publication.

The following notices were read:

By Chandler:

A Bill for an Act to amend Section 4604 of the Political Code, concerning mileage of Sheriffs.

By Smead:

A Bill for an Act to amend Section 1940 Part 3, Title 3 of the Political Code relating to the State School Fund.

Yours respectfully,
H. S. CORBLY.
Assistant Secretary.

On motion of Cochran the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

THIRD READING OF BILLS.

House Bill No. 27 was read a third time and lost by the following vote:

Ayes—Bartlett, Bruffy, Clem, Edwards, Elliott, Gilna, Hart, Hewett, Hill, Kelly, J. M., Kennedy, Langhorne, Lindsay, Loeb, Longstaff, Marcum, McMahon, Morgan, Mulville, O'Malley, Owens, Perrine, Power, Sanford, Stephens, Stork, Taylor, Watkins, Whipple, Whyte, Woods—31.

Noes—Bourne, Brown, Buckley, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Evans, Greenfield, Hepner, Humber, Kelly, W. M., Leehey, Lewis, McCabe, McIntire, McNally, Metlen, Morton, Newton, O'Connor, Owsley, Penwell, Phillips, Ramsey, Shifelbin, Shovlin, Stanton, Sullivan, Wamsley, Warren, Whiteside, Mr. Speaker—35.

Absent—Armitage, Butler—2.

Campbell moved to reconsider the vote by which the bill was lost.

On motion of Stanton the motion to reconsider was laid upon the table by the following vote:

Ayes—Bourne, Brown, Buckley, Campbell, Carroll, Clark, Cochran, Dee, Evans, Gilna, Greenfield, Hart, Hepner, Humber, Kelly, J. M., Kelly, W. M., Langhorne, Leehey, Lewis, Longstaff, McCabe, McIntire, McMahon, McNally, Metlen, Morton, Newton, O'Connor, Owsley, Penwell, Phillips, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Sullivan, Wamsely, Warren, Whiteside, Mr. Speaker—41.

Noes—Bartlett, Bruffy, Caldwell, Clem, Edwards, Elliot, Hewett, Hill, Kennedy, Lindsay, Loeb, Marcum, Morgan, Mulville, O'Malley, Owens, Perrine, Power, Stephens, Stork, Taylor, Watkins, Whipple, Whyte, Woods—25.

Absent—Armitage, Butler—2.

GENERAL ORDERS.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

McCabe in the chair.

House resumed.

Mr. Speaker in the chair.

SPECIAL ORDERS.

The hour of 3 P. M. having arrived for which the consideration of House Bill No. 3 was made a Special Order, the roll was called and the bill passed by the following vote:

Ayes—Bartlett, Buckley, Carroll, Clem, Dee, Elliott, Evans, Gilna, Greenfield, Hewett, Hill, Humber, Kennedy, Loeb, Longstaff, Marcum, McMahon, McNally, Morton, Mulville, O'Malley, Penwell, Perrine, Power, Sanford, Shifelbin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Watkins, Whipple, Whyte, Woods—36.

Noes—Armitage, Bourne, Brown, Bruffy, Caldwell, Campbell, Clark, Cochran, Edwards, Hart, Hepner, Kelly, J. N., Kelly, W. M., Langhorne, Leehey, Lindsay, Lewis, McCabe, McIntire, Metlen, Morgan, Newton, O'Connor, Owens, Owsley, Phillips, Ramsey, Shovlin, Warren, Whiteside, Mr. Speaker—31.

Absent—Butler—1.

Title agreed to.

The House again resolved itself into a Committee of the Whole for the further consideration of General Orders.

House resumed.

Mr. Speaker in the chair.

McCabe of the Committee of the Whole reported progress and the committee was granted leave to sit again.

On motion of Hill the House adjourned.

DAVID MARKS,
Chief Clerk.

TWENTY-FOURTH DAY.

House of Representatives,
Helena, Montana, January 27th, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the chaplain.

Journal of Twenty-third day read and approved.

PETITIONS.

A petition from Clinton Federation Union, No. 6623, Clinton, Montana, praying for the passage of House Bill No. 1, was read and referred to the Committee on Education.

NOTICE OF INTRODUCTION OF BILLS.

Notices of the Introduction of the following bills were given:

By Stork:

Bill to repeal all of Article 4, Political Code, relative to tax levy for stock inspection and detective purposes.

By Stephens:

Bill for an act relating to trials by jury in criminal cases in justices and police court.

Also,

Bill for an act to amend Section 4765 of the Political Code.

By Leehey:

Bill for an act to amend Section 4765 of the Political Code relating to township officers.

Also,

Bill for an Act to amend Section 60 of the Code of Civil Procedure relating to justices of the peace.

By Hepner:

Bill for an act relating to public improvements in cities and towns, and repealing Sections 4817, 4818, 4819, 4820, 4821 4822, 4823, 4824, 4825, 4826, 4827, 4829, 4830, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888. 4889. 4890. 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898, 4899 of the Political Code.

Also,

Bill for an act to amend Section 4800 of the Political Code, relative to the legislative power of cities.

By Buckley:

Bill for the creation of the office of the inspector of oils, for the State of Montana, and defining the duties of said office.

By Stanton:

Bill for an act to amend Sections 4723, 4740, 4741, 4742, 4748, 4752, 4754, 4756, 4762, 4764, 4768, 4780, 4781, 4784, 4786, 4789, 4816, 4911, 4912 and 4913 of the Political Code, relating to municipal elections.

Also,

Bill for an act to amend Sections 4805, 4807, 4808, 4809, 4811, 4812, 4813, 4865, 4874, and 4900 of the Political Code relating to ordinances and municipal affairs.

REPORTS OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 121, 61, 74, 77, 83, 53, 134, 135, 41 and 21 beg leave to report as follows:

House Bill No. 121, A Bill for an Act to amend Section "3076" of the Political Code of the State of Montana, relating to special tax levy for bounty for killing wild animals, is correctly printed.

House Bill No. 61, A Bill for an Act to empower the Governor to accept for the State the conditions imposed by an Act of Congress entitled an Act to provide aid to State or Territory Homes for the support of disabled Soldiers and Sailors in the United States, approved August 27th, 1888, and to empower the State Auditor to receive any moneys that may become due the State under said Act of Congress, is correctly printed.

House Bill No. 77, A Bill for an Act to amend Section 705 of Title 10 of the Penal Code, to have the cages in all mines caged in, is correctly printed.

House Bill No. 74, A Bill for an Act to create the offices of inspector of Mines and Deputy Inspector of Mines, and prescribing their duties," is correctly printed.

House Bill No. 83, A Bill for an Act authorizing the Governor to appoint a commissioner to survey and define a portion of the State line between the States of Montana and Idaho and appropriating certain moneys for the payment thereof, is correctly printed.

House Bill No. 53, An Act to prevent the sale of liquors on credit, is correctly printed.

House Bill No. 134, A Bill for an Act appropriating money for the payment of the claim of E. W. Stetson, account salary and expenses as Accountant to State Examiner during the months of October and November, 1896, inclusive, is correctly printed.

House Bill No. 135, A Bill for an Act appropriating money for the payment of the claim of County of Cascade, Montana, account transportation of prisoners to Reform School during the year 1895, is correctly printed.

House Bill No. 41, for an Act to provide for the incorporation of Hospital Associations, the definition of their powers, and the enumeration of their privileges, is correctly printed.

House Bill No. 21, An Act to create the County of Powell, to define its boundaries, and to provide for its organization and government, is correctly printed.

D. P. O'CONNOR,
Chairman.

House Bills, 121, 61, 74, 77, 83, 53, 134, 135, 41 and 21 were ordered placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred House Bill No. 125, entitled, "A Bill for an Act to create a Board of Examiners to examine mine inspectors, mine superintendents, mine foremen, fire bosses, and to define the duties and compensation of such Board," having had the same under consideration, beg leave to report it back to the House with the recommendation that it do pass, after having been amended by certain changes accompanying the bill.

DEE,
Chairman.

On motion of Greenfield the amendments were adopted and the bill was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Insurance, to whom House Bill No. 122 was referred, beg leave to report the same back to the House with the recommendation that it be referred to the Committee on the Affairs of Cities.

CAMPBELL,
Chairman.

House Bill No. 122 was referred to the Committee on Affairs of Cities.

RESOLUTION.

Humber presented the following and moved its adoption:

Mr. Speaker:

In view of the fact, that unusual congestion, in the business of this House so late in the session, does exist. Be it Resolved, That this House, hold night session until the files and orders shall be relieved of the major part of the work before it.

The motion was lost.

Gilna introduced House Joint Resolution No. 1.

Campbell moved to lay the resolution on the table.

Motion lost by the following vote:

Ayes—Armitage, Bourne, Brown, Buckley, Caldwell, Campbell, Clark, Cochran, Greenfield, Hart, Hepner, Kelly, J. M., Kennedy, Langhorne, Leehey, Lewis, Loeb, Marcum, McIntire, Metlen, Newton, Owsley, Penwell, Phillips, Ramsey, Stanton, Warren, Whiteside, Woods—29.

Noes—Bartlett, Bruffy, Carroll, Clem, Dee, Edwards, Elliott, Evans, Gilna, Hill, Hewett, Kelly, W. M., Lindsay, Longstaff, McMahon, McNally, Morgan, Morton, Mulville, O'Malley, Owens, Perrine, Power, Sanford, Shifelbin, Shovlin, Stephens, Stork, Sullivan, Taylor, Wamsley, Watkins, Whipple, White, Mr. Speaker—35.

Absent—Butler, Humber, McCabe, O'Connor—4.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By O'Connor:

House Bill No. 162, A Bill for an act entitled "An Act to amend Sections 4063, 4064, 4065 and 4068 of the Political Code and to add to Article II, Chapter XIII, Title X, Part III, of the Political Code, a section to be numbered Section 4084, regarding licenses;"

Also,

House Bill No. 163, A Bill for an act entitled "An Act to amend Section 4596 of the Political Code of the State of Montana"

By Dee:

House Bill No. 164, A Bill for "An Act to provide for the issuance by registry agents of certified copies of their record, and to fix the fees allowed therefor."

By Clem:

House Bill No. 165, A Bill for "An Act to amend Section 2961, Title I, Vol. 2, Penal Code, relating to the employment of convicts."

By Loeb:

House Bill No. 166, An Act providing for the submission for their approval or rejection an amendment to Section V., Article VII., of the Constitution of the State of Montana.

By Hepner:

House Bill No. 167, A Bill for "An Act to cure defects in deeds heretofore made to real property that are defective in execution, and to cure defect in judicial sales of real property and sales of property by executors, administrators and guardians."

By Whiteside:

House Bill No. 168, A Bill for "An Act to amend Section 714, Article XIX, Chapter III, Title I, Part III, of the Political Code of the State of Montana, relating to the employment of clerks in State offices."

By Carroll:

House Bill No. 169, An Act to amend Sections 3722 and 3723 of the Political Code of the State of Montana, relating to the assessment and taxation of persons and property.

By Buckley:

House Bill No. 170, An Act to regulate transportation and freight rates on railroads in this State, and to create a State Board of Railroad Commissioners, and to define the powers and duties of said Board.

GENERAL ORDERS.

On motion of Campbell the House resolved itself into a Committee of the Whole for the consideration of General Orders.

W. J. Kennedy in the chair.

House resumed.

Mr. Speaker in the chair.

Kennedy of the Committee of the Whole reported progress and leave was granted to sit again.

On motion of Hepner the House took a recess until 1:30 P. M.

AFTERNOON SESSION.

1:30 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

GENERAL ORDERS.

House resolved itself into a Committee of the Whole for the further consideration of General Orders.

W. J. Kennedy in the chair.

House resumed.

Mr. Speaker pro tem in the chair.

The following report was received:

Mr. Speaker:

The Committee of the Whole have had under consideration House Bill No. 28 and report the same back with the following amendments:

Amended by striking out the words fifteen wherever it occurs in the bill and that the words twenty-one be substituted in lieu thereof. And that as amended the same do pass.

W. J. KENNEDY,
Chairman.

On motion of Elliot the report was adopted and House Bill No. 28 was ordered engrossed.

On motion of Gilna the House resolved itself into a Committee of the Whole for the further consideration of General Orders.

Langhorne in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

The Committee of the Whole have had under consideration House Bills Nos. 70, 73 and Substitute for House Bill No. 17, submit the following report

That House Bill No. 70 do pass. That House Bill No. 73 be amended by striking out the enacting clause. That House Bill No. 17 be re-referred back to the Committee on Mines and Mining.

LANGHORNE,
Chairman.

On motion the report was adopted and House Bill No. 70 was ordered engrossed.

Hill presented the following:

Mr. Speaker:

I hereby give notice that I will on to-morrow or some subsequent day make a motion to change Rule 31, relating to the printing of House Bills.

On motion of Watkins the House adjourned.

DAVID MARKS,
Chief Clerk.

TWENTY-FIFTH DAY.

House of Representatives,
Helena, Montana, January 28, 1896.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Twenty-fourth day read and approved.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 37, 56, 87 and 128, beg leave to report as follows:

House Bill No. 37, A Bill for an Act providing for the submission to the Qualified Electors of the State of Montana an Amendment to Section 2 of Article IX of the Constitution, relating to Rights of Suffrage and Qualifications to hold office, has been properly printed.

House Bill No. 56, A Bill for an Act providing for the submission to the qualified electors of the State of Montana for an amendment to Section 4 of Article XVI, of the Constitution, relating to County Commissioners, has been properly printed.

House Bill No. 87, A Bill for an Act to amend Section 3698, Chapter 3, Title 10, Part 3, of the Political Code, providing for the manner in which valuations and appraisals of real estate shall be made, has been properly printed.

House Bill No. 128, A Bill for an Act to establish a tax on direct and collateral Inheritances, Bequests and Devices, to provide for its collection and direct the disposition of its proceeds, has been properly printed.

D. P. O'CONNOR,
Chairman.

House Bill Nos. 37, 56, 87 and 128 were placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment to whom was referred House Bill No. 28, report the same back properly engrossed.

C.F.STORK,
Chairman.

The following report was received:

Mr. Speaker:

Your Committee on Mines and Mining, having had under consideration Substitute for House Bill No. 17, entitled "An Act entitled An Act to further protect underground miners," beg leave to report the same back to the House with the recommendation that it do pass, after the adoption of the accompanying amendments.

MARTIN DEE,
Chairman.

On motion of Kennedy the amendments were adopted and the bill was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Railroads and Transportation, having had under consideration House Bill No. 127, entitled "An Act to require railroad companies to keep their right-of-way cleared of dry grass and other combustibles," report it back with the recommendation that it be indefinitely postponed, for the reason that the law affords ample remedy for the matter attempted to be reached by the Bill.

W. A. CLARK,
Chairman.

On motion of Langhorne the roport was adopted and House Bill No. 127 was indefinitely postponed.

The following report was received:

Mr. Speaker:

Your Committee on Railroads and Transportation having had under consideration House Bill No. 48, entitled "A Bill for An Act amending Section 16, Article 12, of the Constitution of the State of Montana," beg leave to report the same back to the House with the recommendation that it be indefinitely postponed.

W. A. CLARK,
Chairman.

Gilna moved that the report be adopted.

Motion lost by the following vote:

Ayes—Bourne, Campbell, Clark, Hepner, Kelly, W. M., Langhorne, Leehey, Longstaff, McCabe, Metlen, Owsley, Penwell, Power, Ramsey, Shovlin, Stanton, Stephens, Warren, Mr. Speaker—19.

Noes—Armitage, Bartlett, Brown, Bruffy, Buckley, Butler, Caldwell, Carroll, Clem, Cochran, Dee, Edwards, Elliot, Evans, Gilna, Greenfield, Hart, Hewett, Hill, Humber, Kelly, J. M., Kennedy, Lindsay, Lewis, Loeb, Marcum, McIntire. McMahon, McNally, Morgan, Morton, Mulville, Newton, O'Mally, Owens, Perrine, Phillips, Sanford, Shifelbin, Stork, Sullivan, Taylor, Wamsley, Watkins, Whipple, Whyte, Woods—47.

Absent—O'Connor, Whiteside—2.

On motion of Clark a substitute for House Bill No. 48 was adopted and the same was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Agriculture and Stock Growing, to whom was referred Senate Bill No. 5, relating to Grand Larceny, having had the same under consideration respectfully report same back to you, with recommendation that it do pass.

BROWN,
Chairman.

Mr. Speaker:

Your Committee on Agriculture and Stock Growing, to whom was referred Senate Bill No. 19, in reference to the appointment of a Board of Stock Commissioners, having had the same under consideration, herein report the same back to the House, with the recommendation that it do pass.

BROWN,
Chairman.

Mr. Speaker:

Your Committee on Agriculture and Stock Growing, to whom was referred House Bill No. 148; relating to live stock killed or injured by railroads, having had the same under consideration, respectfuly report the same back to the House with recommendation that same do pass.

BROWN,
Chairman.

House Bills Nos. 5 and 19 were placed on the General Orders.

House Bill N. 148 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on State Boards and Officers, having considered House Bill No. 129, "A Bill for an Act amending Section 392 of the Political Code of the State of Montana, relative to the compensation of Lieut. Governor," report it back to the House with the recommendation that it do not pass for the reason that it does not change the Statute as it now is.

HUMBER,
Chairman.

House Bill No. 129 was placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on State Boards and Officers, having considered House Bill No. 13, entitled an Act providing for loaning State funds and defining the duties of the Secretary of State, Governor, State Auditor and Atty General and State Board of Examiners with reference thereto and repealing all acts and parts of acts in conflict therewith report that this bill be referred to the House without any further recommendation that it be printed.

HUMBER.
Chairman.

House Bill No. 13, was ordered printed.

AMENDMENT TO HOUSE RULE.

Hill moved an amendment to Rule XXXI as follows

All House Bills after the second reading shall be referred to the proper committee, and if a majority of such Committee recommend the passage of the Bill, 300 copies thereof as reported shall be printed. A bill may also be ordered printed by an affirmative vote of one-third of the members of the House present.

Campbell moved to amend by striking out the words "one-third" and inserting in its place "a majority."

The amendment was lost.

The motion of Hill prevailed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Leehey:

House Bill No. 171, Bill for an Act to amend Section 13 of Article 1, of Chapter 3, of Title 2, of Part 4, of the Political Code of the State of Montana relating to township officers.

Also,

House Bill No. 172, Bill for an Act to amend Section 60 of the Code of Civil Procedure of the State of Montana, relating to justices of the peace.

By Committee on Appropriations:

House Bill No. 173, Bill for an Act appropriating money for the payment of the claim H. H. Baldwin, account expenses incurred in transporting prisoners to the penitentiary during the year 1896.

Also,

House Bill No. 174, Bill for an Act appropriating money for the payment of the claims of certain persons for services rendered to and supplies furnished the State of Montana during the year 1896.

Also,

House Bill No. 175, Bill for an Act appropriating money for the payment of the claim of Lewis and Clarke County for balance due on account of state offices in the year 1896.

Also,

House Bill No. 176, Bill for an Act appropriating money for the payment of the claim of W. R. Dwyer, account expenses incurred in transporting prisoners to the penitentiary during the year 1896.

By Stephens:

House Bill No. 177, Bill for an act relating to trials by jury in criminal cases in justices and police courts.

Also,

House Bill No. 178, Bill for an Act entitled, an Act to amend Section 4065 of the Political Code concerning licenses.

By Watkins:

House Bill No. 179, Bill for an Act to provide for the erection of a State Capitol Building for the State of Montana and to amend Section 2440, Article 2, Chapter 4, Title 5, of the Civil Code of Montana.

By Carroll:

House Bill No. 180, Bill for an Act amending Chapter 3. Title 9, of Part 1, of the Penal Code of the State of Montana by adding thereto a section prohibiting the use, sale, keeping or offering for sale, providing or administering any medicine, drug, substance, instrument or means of preventing conception.

By Langhorne:

House Bill No. 181, Bill for an Act to add an additional section to Division 3, Part 4, Title 13, Chapter 2, Article 2, liability of sureties, of the Civil Code of Montana, to be known as section 3685.

Also,

House Bill No. 162, Bill for an Act to add an additional Section to Chapter 7, Title 14, of the Code of Civil Procedure to be numbered section 1906.

By Stanton:

House Bill No. 183, Bill for an act to amend Sections 4805, 4807, 4808, 4809, 4811, 4812, 4813, 4865, 4874, and 4900 of the Political Code, relating to the powers of City Councils.

Also,

House Bill No. 184, Bill for an Act to amend Sections 4723, 4740, 4741, 4742, 4743, 4752, 4754, 4756, 4762, 4764, 4768, 4780, 4781, 4784, 4786, 4789, 4816, 4911, 4912 and 4913 of the Political Code pertaining to city elections and officers.

By Loeb:

House Bill No. 185, Bill for an act amending Sections 4594, and 4596 of the Political Code of the State of Montana relative to and reducing the annual compensation or salary for services of county officers in the various classes of counties.

On motion of Cochran the House took a recess until 1:30 P. M.

AFTERNOON SESSION.

1:30 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called, quorum present.

THIRD READING OF BILLS.

On motion of Evans the rules were suspended and the House proceeded to the consideration of Third Reading of House Bills.

On motion of Elliot a call of the House was had.

Absent—Clem, Carroll, Kelly, J. N., McCabe. Newton, Penwell.

The absentees having appeared further proceedings under the call was dispensed with.

House Bill No. 28 was read a third time.

Elliot moved a call of the House.

A call was had. Absent—Armitage, Cochran, Hart, Humber.

The absentees having appeared, further proceedings under the call was dispensed with.

House Bill No. 28 being An act for the submission to the votes of the qualified voters of Montana and requiring a two-thirds of those voting in the House for its passage, was lost by the following vote:

Ayes—Armitage, Bartlett, Bruffy, Buckley, Butler, Carroll, Clem, Dee, Edwards, Elliot, Evans, Gilna, Hewett, Hill, Humber, Kennedy, Leehey, Loeb, Longstaff, Marcum, McMahon, McNally, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Perrine, Power, Sanford, Shifelbin, Shovlin, Stephens, Stork, Taylor, Wamsley, Watkins, Whipple, Whyte, Whiteside—41.

Noes—Bourne, Brown, Caldwell, Campbell, Clark, Cochran, Greenfield, Hart, Hepner, Kelly, J. N., Kelly, W. M., Langhorne, Lindsay, Lewis, McCabe, McIntire, Metlen, O'Connor, Owsley, Penwell, Phillips, Ramsey, Stanton, Sullivan, Warren, Woods, Mr. Speaker—27.

GENERAL ORDERS.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Ramsey in the chair.

House resumed.

Mr. Speaker in the chair.

Ramsey of the Committee of the Whole reported progress.

On motion of Cochran the House adjourned.

DAVID MARKS,
Chief Clerk.

TWENTY-SIXTH DAY.

House of Representatives,
Helena, Montana, January, 29th, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Twenty-fifth day read and approved.

Carroll was excused for the day on account of sickness.

NOTICE OF INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Penwell:

Bill appropriating money for the payment of clerk hire for the State Auditor.

By Leehey:

Bill for an act to establish a Woman's Annex to the Soldier's Home at Columbia Falls, Montana, and to appropriate therefor sums of money therein named.

Also,

Bill for an Act to amend Section 4642 of the Political Code relating to fees of justices of the peace.

By Woods:

Bill for an act to amend Sections 4867, 4868, 4869, 4870, 4872, 4873, 4876 and 4877 of the Political Code, relating to taxation in municipal corporations.

By Taylor:

Bill for an act to amend Sections 1911 and 1912 of Article 13, of Title 3, of Part 3, of the Political Code of the State of Montana, relating to examinations and certificates.

By Bartlett:

Bill for an act entitled, An Act to regulate the sale, inspection and use of food and water supplied to the citizens of the State of Montana, or to the cities and towns of the State.

By Perrine:

Bill to amend section 4075 of the Political Code relating to licenses.

By Owsley:

Bill for an Act to amend Section 181, of Chapter 4, of Title 2, of the Code of Civil Procedure, State of Montana, relating to the disqualification of judges and also to amend the title of said Chapter so as to make the same read: Disqualification of said judges and other officers.

By Newton:

Bill for an Act relating to interest upon warrants of cities and towns.

Also,

Bill for an Act to amend Sections 5039, 5040 and 5041 of the Political Code.

By Owens:

Bill for an Act amending Sections 220, 221, 222, 224, and repealing Section 223 of the Political Code of the State of Montana, relative to the compensation of members, officers and employes of the Legislative Assembly.

REPORT OF STANDING COMMITTEE.

The following reports were received:

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 55, a Bill for an Act to amend Section 4158 and 4165 of the Political Code of the State of Montana, relating to the removal of county seats, respectfully refer the same back to the House and recommend that it do pass.

C. A. WHPPLE,
Chairman.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 44, a Bill for an Act to extend and define the boundaries of Flathead County, respectfully refer the same back to the House and recommend that it be printed.

C. A. WHPPLE,
Chairman.

House Bills Nos. 55 and 44 were ordered printed.

The following report was received:

Mr. Speaker:

Your Committee to whom was referred House Bill No. 59, entitled "An Act amending Section 516 of the Code of Civil Procedure by adding one sub-division thereto relative to the killing of stock by railroads," beg leave to report the same back to the House, accompanied by a substitute, which the said Committee requests to be adopted in place of House Bill No. 59.

W. A. CLARK,
Chairman.

On motion of Kennedy the substitute for House Bill No. 59 was adopted and the same was ordered printed.

The following report was received:

Mr. Speaker:

We your Committee on Engrossment beg leave to report House Bill No. 70 back as properly engrossed.

C. F. STORK,
Chairman.

The following report was received:

Mr. Speaker:

Your Committee on Affairs of cities having had under consideration Senate Bill No. 6 being a Bill for an Act providing for the appointment of a Meat Inspector in Cities having Ten Thousand Inhabitants or over within the State of Montana, and prescribing the duties and powers of such Inspector and to regulate the sale of Stock, Milk and Meat for the purposes of food, and prescribing penalties for the violation of the provisions of this Act," and beg leave to recommend that the same do pass and be concurred in .

HEPNER,
Chairman.

Senate Bill No. 6 was placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 4, 5, 19, 23, 57, 80, 81, 123 and 142, beg leave to report that the same have been properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 4, 5, 19, 23, 57, 80, 81, 123 and 142 were placed on General Orders.

The following report was received:

Mr. Speaker:

Your Committe on Federal Relations to whom was referred Joint Resolution No. 1 relating to a proposed treaty for arbitration between the United States and England have duly considered the same and recommend that it do pass.

STEPHENS,
Chairman.

THIRD READING OF BILLS.

House Joint Resolution No. 1, was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Clem, Cochran, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Lindsay, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Stork, Sullivan, Taylor; Wamsley, Watkins, Whipple, Whyte, Woods, Mr. Speaker—54.

Noes—Caldwell, Hepner, Morton, Penwell, Stanton—5.

Absent—Campbell, Carroll, Clark, Dee, Langhorne, Leehey, Lewis, Warren, Whiteside—9.

On motion of Butler the Committee on Judiciary was requested to report House Bill No. 36, back to the House.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Stork:

House Bill No. 186, An Act to dispense with the office of game warden.

By Whiteside:

House Bill No. 187, Bill for an Act to prohibit the letting of contracts on public works and buildings.

By Newton:

House Bill No. 188, Bill to amend Sections 5039, 5040 and 5041 of the Political Code.

Also,

House Bill No. 189, Bill for an Act relating to interest upon warrants of cities and towns.

REFERENCE OF BILLS TO COMMITTEES.

House Bills Nos. 162, 163, 164 and 169, were read first and second time and referred to the Committee on Ways and Means.

House Bills Nos. 165, 166, 167, 171, 172, 173 and 175 were read first and second time and referred to the Committee on Judiciary.

House Bill No. 168 as read first and second time and referred to the Committee on State Boards and Officers.

House Bill No. 170. was read first and second time and referred to the Committee on Railroads and Transportation.

House Bill No. 174 was read first and second time and ordered printed.

On motion of Whipple the House took a recess until 1:30 P. M.

AFTERNOON SESSION.

1:30 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

Clark was granted a leave of absence until Friday next until 2 P. M., and the Clerk was directed to record the following upon the Journal of the House.

Helena, Montana, January 29, 1897.

Mr .Speaker and Chief Clerk:

You will please take notice that I am paired upon Broadwater County, and Powell County, with Mr. Frank Longstaff of Missoula.

W. A. CLARK,
F. LONGSTAFF.

GENERAL ORDERS.

On motion of Penwell the House resolved itself into a Committee of the Whole for the consideration of General Orders.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration the General Orders of Bills, have instructed me to report as follows:

That House Bill No. 24, being an Act for the creation of Broadwater County, be recommended for passage.

The Committee have also had under consideration House Bill No. 22, and recommend that it do pass.

The Committee have also had under consideration House Bill No. 51, introduced by Caldwell, and recommend that it do pass.

The Committee have also had under consideration House Joint Memorial No. 1, and recommend its adoption.

The Committee have also had under consideration House Joint Memorial No. 2, and recommend its adoption.

The Committee have also had under consideration House Joint Memorial No. 3, and recommend its adoption.

The Committee have also had under consideration House Bill No. 50, and recommend that it do pass.

The Committee have also had under consideration House Bill No. 58, and 68, and recommend that they do pass, agreeable to the amendment offered to No. 58.

The Committee have also had under consideration House Bill No. 69, and recommend that it do pass.

The Committee have also had under consideration Substitute for House Bill No. 1, and on motion further consideration of the same was postponed until to-morrow.

The Committee also had under consideration House Bill No. 45, and recommend that it do pass.

The Committee have also had under consideration House Bill No. 43, and recommend that it do pass.

The Committee have had under consideration House Bill No. 40, and ask for a continuance of the same.

RAMSEY,

On motion the report was adopted..

House Bills Nos. 50, 69, 45, 43, 51, 58, 68, House Joint Memorial Nos. 1, 2 and 3 were ordered engrossed.

THIRD READING OF BILLS.

On motion of Leehey the rules were suspended, House Bill No. 24 was read a third time by title and placed upon its final passage and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Butler, Caldwell, Cochran, Dee, Edwards, Elliott, Gilna, Greenfield, Hart, Hepner, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Marcum, McCabe, McIntire, McNally, Metlen, Morton, Newton, O'Connor, Owens, Phillips, Power, Ramsey, Sanford, Shovlin, Stanton, Stephens, Stork, Sullivan, Wamsley, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—48.

Noes—Bourne, Buckley, Campbell, Clem, Evans, Hewett, McMahon, Owsley, Penwell, Perrine, Shifelbin, Taylor—12.

Absent—O'Malley, Morgan, Loeb, Lewis, Mulville—6.

Paired—Clark, Longstaff—2.

The title was amended by adding the words "and for the organization and Government thereof."

Mulville and Sanford were excused until Monday afternoon's session.

Woods was excused until Monday evening ,and a pair on all County division questions between Woods and Edwards was announced.

On motion of Longstaff the House took a recess until 9:45 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

TWENTY-SEVENTH DAY.

House of Representatives,
Helena, Montana, January 30, 1897.

House met pursuant to adjournment at 9:45 o'clock A. M.

Mr. Speaker in the chair.

Roll Called—Quorum present.

Absent on leave—Clark, Sanford, Woods.

Prayer by the Chaplain.

Journal of Twenty-sixth day read and approved.

NOTICE OF INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Morton:

Bill for an act to repeal section 5036 of the Political Code, relating to liability of municipal corporations for injuries done by mobs.

By Stanton:

Bill for an act relating to municipal indebtedness, and repealing sections 4970 to 4981, both inclusive, of the Political Code.

By Morton:

Bill for an act to amend Section 4063 of the Political Code , relating to licenses to be paid by persons who shall sell liquors or wine in less quantities than one quart.

By Bartlett:

Bill for an act to regulate the issuing of writs of attachments out of justices of the peace courts.

By Whiteside:

Bill to amend Section 4256, Article 3, Chapter 2, Title 1, Part 4, of the Political Code, relating to the powers of County Commissioners.

Also,

A Bill to provide for the preservation of forests in the State of Montana.

Also,

A Bill to amend Sections 3560 and 3561, Article 3, Title 8, Part 3, of the Political Code, relating to State Lands.

Also,

A Bill to amend Section 3508, Article 1, Title 8, Part 3, of the Political Code relating to State Lands.

By Phillips:

House Joint Memorial in relation to changing the payments on desert lands and time of residence on such lands.

By Penwell:

Bill amending Section 3451, 3452, 3453, of the Political Code, relating to the constructions of dams and reservoirs.

By Wamsley:

Bill for an act to compel railroad companies to keep their right of way clear of all grass and other combustibles.

By Marcum:

Bil entitled an Act to amend Section 3070, Article 8, Chapter 5, of the Political Code of Montana, relating to bounties.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

We your Committee on Engrossment beg leave to report that in view of the accumulation of Bills, which will have to be immediately engrossed, we find we will be unable to have them properly copied and engrossed without more clerical assistance. We therefore request that we be allowed two more clerks, and have agreed upon Miss Kate Haggerty of Silver Bow and Miss Maude E. Wagner of Cascade and therefore place their names before the House for approval.

C. F. STORK,
Chairman.

On motion of Shifelbin the appointment of Miss Kate Haggerty and Miss Maude E. Wagner, as committee clerks was ratified by the House.

On motion of Campbell the rules were suspended and the services of H. L. Hughes as Clerk of the Committee on Labor were dispensed with.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 36 beg leave to report and respectfully recommend that the consideration of the same be indefinitely postponed.

LEEHEY,
Chairman.

On motion of Butler House Bill No. 36 was ordered printed.

On motion of Leehey the rules were suspended and Substitute House Bill No. 17 took the place on General Orders of House Bill No. 40, and House Bill No. 40 was placed in the order occupied by Substitute for House Bill No. 17.

On motion of Whiteside, House Bill No. 43 was recalled from the committee on Engrossment and made a special order for 3 P. M. on Monday next.

REFERENCE OF BILLS TO COMMITTEES.

House Bills Nos. 176, 177, 179, 180, 181, 182, were read first and second time and referred to the Committee on Judiciary.

House Bills Nos. 178 and 185 were read first and second times and referred to the Committee on Ways and Means.

House Bills Nos. 183, 184 and 189 were read first and second times and referred to the Committee on Affairs of Cities.

House Bill No. 186, was read first and second times and withdrawn by Stork, its introducer, for correction.

On motion of W. J. Kennedy the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

House Bill No. 187 was read first and second times and referred to the Committee on State Institutions, Public Buildings and Grounds.

House Bill No. 188 was read first and second times and referred to the Committee on Libraries.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Marcum:

House Bill No. 190, Bill for an act to exempt from assessment all systems of irrigation except as provided.

Read first and second time and referred to the Committee of Irrigation and Water Rights.

By Committee on Appropriations:

House Bill No. 191, Bill for an Act appropriating money for the payment of the claim of George A. Leekley, account extra clerk to State Auditor during the year 1896.

Read first and second time and ordered printed.

By Perrine:

House Bill No. 192, Bill for an Act to amend Section 4075 of the Political Code relating to licenses.

By Owens:

House Bill No. 193, Bill for an Act amending Section 220, 221, 222, 224 and repealing Section 223, of the Political Code of the State of Montana, relative to the compensation of members, officers, and employes of the Legislative Assembly.

Read first and second times and referred to the Committee on Ways and Means.

On motion of Campbell the House adjourned until 10 A. M. Monday February 1st, 1897.

DAVID MARKS,
Chief Clerk.

TWENTY-NINTH DAY.

House of Representatives,
Helena, Montana, February, 1st, 1897.

House met purusant to adjournment at 10 o'clock A. M.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Absent on Leave—Clark, Mulville.

Journal of Twenty-seventh day read and approved.

PETITIONS.

Petitions were presented by Brown, in reference to the reduction of salary and mileage of County officers and referred to the Committee on Ways and Means.

Petitions were presented and read praying certain portions of Meagher and Cascade Counties be referred to the Committee on Towns and Counties.

NOTICE OF INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows

By Greenfield:

Bill to amend Article 3, Chapter 6, Title 3, of Part 3, of the Political Code relating to school districts, by adding thereto certain sections.

By Stork:

Bill relative to keeping or harboring vicious dogs.

By Butler:

Bill for an act to amend Sections 4950 and 4951 of Chapter 4, Part 4, Title 3, of the Political Code, relative to the proceedings for changing towns or cities from one class to another.

By Hart:

Bill for an act to prevent the herding of sheep on the lands or possessory claims or possessory claims of the owners of such sheep.

By Whipple:

Bill for the relief of Fred. A. Stimpson for horses killed by order of the State Veterinarian.

By Wamsley:

Bill for an act providing that foreign life insurance companies and other foreign insurance companies embraced within the provisions of Title 4, of

Part 10, of division 1, of the Civil Code of Montana, shall not be required to comply with the provisions of Title 11, of Part 4, of Division 1, of said Code.

By Whiteside:

Bill to amend Section 2960, Title 1, Part 3, of the Penal Code of the State of Montana, relating to convict labor.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Affairs of Cities having had under consideration H. B. No. 122, being a bill for an act to amend Section 681 Division 1, Part IV, Title IV, Chapter I of the Civil Code of the State of Montana, concerning the collection of the taxes on Fire Insurance Companies, and the payment of the same to organized fire companies in cities and towns," beg leave to recommend that the same do pass.

HEPNER,
Chairman.

House Bill No. 122 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills numbered 13, 48, 52, 75, 84, 125 and 148 beg leave to report that the same have been properly printed.

O'CONNOR,
Chairman.

House Bills Nos. 13, 48, 52, 75, 84, 125 and 148 were placed on General Orders.

The following report was received:

Mr. Speaker:

The Ways and Means Committee, having had under consideration House Bill No. 193, introduced by Owens, and "relating to the compensation of members, officers and employes of the Legislative Assembly," desire to refer the same back to the introducer of the measure for further consideration.

GEORGE L. RAMSEY,
Chairman.

House Bill No. 193 was re-committed to Owens its introducer.

The following report was received:

Mr. Speaker:

The Ways and Means Committee, having had under consideration House Bill No. 149, introduced by Hart, for an amendment to Section 712 of the Penal Code, have directed me to request a reference of the Bill to the Railroad Committee.

GEORGE L. RAMSEY,
Chairman.

House Bill No. 149 was referred to the Committee on Railroads and Transportation.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, beg leave to report that we have had under consideration, House Bill No. 82, "A bill for an Act to amend Section 1290, Title 10, Chapter 1, Code of Civil Procedure, relating to actions for foreclosure of mortgages," introduced by Clem, and believe that the provisions of the same are entirely unconstitutional, and therefore recommend that the consideration of this measure be indefinitely postponed.

Respectfully submitted,

LEEHEY,

Chairman.

On motion of Kennedy the report was adopted and House Bill No. 82 was indefinitely postponed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, beg leave to report that we have carefully examined House Bill No. 71, "A Bill for an Act to amend Section 2136 of Chapter II., Title IV., Part III., of the Code of Civil Procedure of the State of Montana, relating to mechanics' liens," introduced by Whiteside, and recommend that the consideration of that bill be indefinitely postponed.

Respectfuly submitted,

LEEHEY,

Chairman.

On motion of Whiteside the report was adopted and House Bill No. 71 was indefinitely postponed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, beg leave to report that we have carefully considered House Bill No. 137, "A Bill for an Act entitled an Act to add an additional Section to Chapter VI., Title IX., Part I., of the Penal Code to be known and numbered as Section 543 relating to the sale of intoxicating liquors on Sunday," introduced by Lindsay, and recommend that it be indefinitely postponed.

Respectfuly submitted,

LEEHEY,

Chairman.

On motion of Lindsay House Bill No. 137 was ordered printed by the following vote:

Ayes—Armitage, Bartlett, Bourne,, Bruffy, Buckley, Butler, Carroll, Clem, Dee, Edwards, Gilna, Greenfield, Hill, Humber, Kelley. J. N., Lindsay, Lewis, Marcum, McCabe, McIntire, McMahon, Metlen, Morton, Newton, Perrine, Phillips, Sanford, Stork, Sulivan, Taylor, Wamsley, Watkins, Whipple, Whiteside—34.

Noes—Caldwell, Campbell, Hart, Hewett, Kennedy, Langhorne, Leehey, Loeb, Longstaff, Morgan, Owens, Owsley, Penwell, Power, Shifelbin, Stanton, Stephens, Whyte—19.

Absent—Brown, Clark, Cochran, Elliot, Evans, Hepner, Kelly, W. M., McNally, Mulville, O'Connor, O'Malley, Ramsey, Shovlin, Woods, Mr. Speaker —15.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary beg leave to submit the following report:

That we have carefuly examined the appeals of S. J. Reynolds, W. R. Dwyer, George Young, and other county sheriffs from the State Boards of Examiners.These appeals were taken from the order of the Board refusing to allow said sheriffs, as compensation for the transportation of convicts to the State penitentiary, the fees and mileage allowed by law to sheriffs prior to the adoption of the Codes. The contention of the appellants was that the fees and mileage allowed them at the time of their election, for the transportation of convicts, was a part of the fees and emoluments of the office. and as such could not be changed during their incumbancy.

Your Committee are of the opinion that such allowance, made both before the adoption of the Codes and in the Codes as well, was only intended to cover the expenses of the sheriff, and are not such emoluments as are contemplated by Section 31 of Article V., of the Constitution.

The deficiency bills referred to this Committee are for items of expenditure, which have been approved by the State Board of Examiners, but were not paid for lack of funds, the appropriation having been exhausted. These claims are just and an appropriation should be made by this body for their payment. Your Committee therefore recommend in this matter that the action of the State Board of Examiners be affirmed by this body, and that the deficiency bills as reported to this House be referred to the Committee on Appropriations with the direction to draw and present appropriation bills to cover the amounts.

LEEHEY,
Chairman.

On motion the report was adopted.

The following report was received:

Mr. Speaker:

We your Committee on Judiciary, beg leave to submit the following report:

We have carefully examined House Bill No. 173, "A Bill for an Act appropriating money for the payment of the claim of H. H. Baldwin, account expenses incurred in transporting prisoners to the Penitentiary during the year 1896," introduced by the Committee on Appropriations, and we recommend that it do pass.

We have carefully examined House Bill No. 175, " A Bill for an Act appropriating money for the payment of the claim of Lewis and Clarke County for balance due on account of State offices in the year 1896," introduced by the Committee on Appropriations, and recommend that it do pass.

We have also carefully examined House Bill No. 147, "A Bill for an Act to add an additional Section to Division III., Part IV., Title XIII., rights of sureties, of the Civil Code of Montana to be known as Section 3697," introduced by Langhorne, and recommend that it do pass.

We also recommend for passage House Bill No. 156, "A Bill for an Act to amend Sections 2301, 2302, 2307, 2308 and 2309, and adding two new sections thereto to be numbered 2312 and 2313 of Article III., Chapter I., Title V., Part III., of the Political Code of Montana, relating to the examination of insane persons," introduced by Clark.

We have carefully examined House Bill No. 159, "A Bill for an Act to amend Section 1563 of Article II., of Chapter IV., of Title XI., of Part II., of the Code of Civil Procedure of the State of Montana, relating to attachments in justice of the peace courts," and believe that it is necessary legislation and recommend that it do pass.

We have carefully examined House Bill No. 78, "A Bill for an Act to amend Section 1080 of Article II., of Chapter IV., of Title VIII., of Part II., of the Code of Civil Procedure of the State of Montana, relating to the order of proceedings in the trial of civil actions," introduced by Leehey, and recommend that it do pass.

We have also carefully examined House Bill No. 166, "A Bill for an Act providing for the submission to the electors for their approval or rejection an amendment to Section V., Article VIII., of the Constitution of the State of Montana, relative to the justices of the Supreme Court," introduced by Loeb, and suggested by the State Bar Association, and we recommend that it do pass.

Respectfully submitted,

LEEHEY,
Chairman.

House Bills Nos. 173, 175, 147, 156, 159, 78, and 166 were ordered printed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 119, "A Bill for an Act to amend Section 4048, Chapter 13, Article 2, of the Political Code, relating to the duties of county treasurers," introduced by Greenfield, beg leave to report that we have carefully considered the same, and believe that such legislation is not needed, and therefore recommend that its consideration be indefinitely postponed.

Respectfully submitted,

LEEHEY,
Chairman.

On motion of Kennedy the report was adopted and House Bill No. 119 was indefinitely postponed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, beg leave to report that we have carefully considered House Bill No. 32, "An Act relating to the assessment and taxation of franchises and property held or used for the furnishing, supply, or sale of water or water power," introduced by Carroll, and believe that the same is unnecessary legislation, and therefore recommend that its consideration be indefinitely postponed.

Respectfully submitted.

LEEHEY,
Chairman.

On motion of Clem House Bill No. 32 was placed on the General Orders.

Campbell was excused from attendance the balance of the week and a pair was announced between Campbell and Bruffy on the Powell County question and between, Campbell and Cochran on the Rosebud County question.

The following reports were received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 98, "A Bill for an Act to appropriate money for the payment of the claim of Jas. McDonald for services rendered the State from December 1st, 1895 to November 30th, 1896 inclusive, as janitor, other than Supreme Court," introduced by Committee on Appropriations, beg leave to report that we have examined the same and recommend that it do pass.

Respectfully submitted,

LEEHEY,
Chairman.

House Bill No. 98 was ordered printed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 97, "A Bill for an Act appropriating money for the payment of the claim of E. W. Stetson for services rendered the State in the year 1895, account extra compensation for taking care of books, etc., Chief Clerk, Fourth Legislative Assembly," introduced by the Committee on Appropriations, beg leave to report that we have examined the same and recommend that it be printed.

Respectfully submitted,

LEEHEY.
Chairman.

House Bill No. 97 was ordered printed.

Mr. Speaker:

We your Committee on Judiciary beg leave to report that the appeals of Fergus County and other counties and individuals from the action of the State Board of Examiners, relative to the bills for the refund of certain taxes, have received our careful consideration, and we are of the opinion that the action of the State Board of Examiners should be affirmed and the bills disallowed, and, therefore, we do so recommend.

Respectfully submitted,

LEEHEY,
Chairman.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred the appeals of Fred Foster, J. V. Jerome, E. W. Stetson, and C. D. French from the State Board of Examiners, respectfully report that we have examined carefully into the same, and find that the services, alleged to have been performed by the appellants, were actually performed, but that the Joint Resolution of the Fourth Legislative Assembly authorizing the same never received the signature of the Governor. We therefore believe that while the claims may possess merit and be the proper subject of a direct appropriation bill, yet the action of the Board was in accordance with law and should be affirmed by this body, and we so recommend.

Respectfully submitted,

LEEHEY,
Chairman.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred the appeals of M. Kendall and eight others from the State Board of Examiners, from the disallowance by the Board of the claims of appellants for rent of typewriters during the session of the Fourth Legislative Assembly, and also the appeal of L. R. Peck from the order of the Board disallowing his claim for services at the same session, beg leave to report that we have carefully examined into the merits of these appeals, and believe that the action of the State Board of Examiners should be affirmed. We therefore so recommend.

Respectfully submitted,

LEEHEY,
Chairman.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred the appeal of E. Vawter from the State Board of Examiners, from the order of said Board disallowing his claim for additional rent for the building used by the Fourth Legislative Assembly, beg leave to report that we have carefully examined into the merits of the same, and find that a contract was entered into with the owner of the building, and that its conditions were fulfilled by the State, and we therefore recommend that the action of the State Board of Examiners be affirmed and the claim disallowed.

Respectfully submitted,

LEEHEY,
Chairman.

Mr. Speaker:

We, your Cimmittee on Judiciary, to whom was referred the appeal of

Joseph Hamilton, sheriff of Cascade County, from the order of the State Board of Examiners disallowing his claim for $1,458.00, alleged expenses incurred in taking prisoners to the Reform School, beg leave to report that we are of the opinion that the action of the State Board of Examiners should be affirmed and the claim disallowed, and therefore we so recommend.

Respectfully submitted,

LEEHEY,
Chairman.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred the appeals of Evan N. Jones and F. A. Stimpson from the action of the State Board of Examiners in disallowing claims for indemnity for horses killed, beg leave to report that we find such claims were disallowed by the Board, because the animals were glandered, and consequently of no value. No showing was made before the committee on the part of the said appellants, and we therefore know of no reason why the action of the Board should be reversed. We recommend that the appeals be affirmed and the claims disallowed.

Respectfully submitted,

LEEHEY,
Chairman.

Mr. Speaker:

We your Committee on Judiciary, to whom was referred the appeals of the Deer Lodge Water Company and J. T. Boyer from the State Board of Examiners, beg leave to report that these claims were disallowed by the Board, who were in possession of the facts of the case, and who presumably knew the circumstances. No showing was made before this Committee on behalf of the appellants, and we know of no reason why the action of the Board should be reversed. We therefore recommend that appeals be affirmed and the claims disallowed.

Respectfully submitted,

LEEHEY,
Chairman.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred the bills of William Butcher and W. P. Lindley, A. G. Wilhelm, and Robert Saury from the action of the State Board of Examiners, beg leave to report that no showing has been made before the Committee by the appellatns, and we know of no reason why the action of the State Board of Examiners should not be affirmed. We therefore recommend its affirmance.

Respectfully submitted,

LEEHEY,
Chairman.

On motion the foregoing reports were adopted:

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred the rejected claim of White Caldwell for expenses incurred in the requisition of R. K. Middleton, beg leave to report that in our opinion the reason for disallowing this claim as stated in the report of the State Board of Examiners, to-wit, that the "prisoner escaped jail presumably through the negligence of county officers," is not in our opinion sufficient. We therefore recommend that the claim be referred to the Committee on Appropriations with directions to prepare and present a bill appropriating to the claimant the sum of $112.95 for his expenses incurred in such requisition.

Respectfully submitted,

LEEHEY,
Chairman.

On motion of Whiteside the report was adopted.

The following report was received:

Mr. Speaker:

Your Committee on State Boards and Officers having had under consideration House Bill No. 116, "A Bill for an act to provide assistants to carry on the work of the State Land Office. To fix the salary of such assistants and to designate the fund which the expenses of the State Land Office shall be paid," report the same back to the House with the recommendation that it do pass.

HUMBER,
Chairman.

House Bill No. 116 was ordered printed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 115, "A Bill for an Act to amend Section 1012 and 1053 of the Political Code of the State of Montana, relating to the approval of and time for filing official bonds of county officials," introduced by Lindsay, beg leave to report a substitute for such bill hereto attached, and recommend that the substitute be adopted and when so adopted that it do pass.

Respectfully submitted,

LEEHEY,
Chairman.

On motion of Lindsay the substitute was adopted and the same was ordered printed.

Penwell by unanimous consent withdrew House Bill No. 191.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Judiciary Committee:

House Bill No. 194, A Bill for an Act to amend Section 1215 of the Code of Civil Procedure of the State of Montana, relating to the issuance of executions on judgments.

Read first and second time, referred to Printing Committee.

By Morton:

House Bill No. 195, A Bill for an Act to repeal Section 5036 of the Political Code of the State of Montana, relating to liabilities of municipal corporations for injuries done by mobs.

Read first and second time, referred to Judiciary Committee.

Also,

House Bill No. 196, A Bill for an Act to amend Section 4063 of the Political Code, relating to licenses to be paid by persons who sell liquors or wines in less quantities than one quart.

Read first and second time, referred to Ways and Means.

By Penwell:

House Bill No. 197, A Bill for an Act appropriating money for the payment of the claim of George A. Leekley, account Clerk of State Auditor, during the year 1896.

Read first and second time, referred to Judiciary Committee.

By Stork:

House Bill No. 198, An Act to repeal Section 2990 of Article IV, Chapter V of the Political Code of Montana, being an Act entitled "Levy of tax for stock inspection and Detective Fund."

Read first and second time, referred to Committee on Agriculture and Stock Growing.

By Marcum:

House Bill No. 199, An Act entitled an Act to amend Section 3070 Article VIII, Chapter 5 of the Political Code of Montana, relating to bounties.

Read first and second time, referred to Committee on Agriculture and Stock Growing.

By Wamsley:

House Bill No. 200, A Bill for an Act to require railroad companies to keep their right-of-way clear of all dry grass and other combustibles.

Read first and second time, referred to Committee on Agriculture and Stock Growing.

By Whiteside:

House Bill No. 201, A Bill for an Act to amend Section 4526, Article III, Chapter II, Title I, Part IV, of the Political Code of the State of Montana, relating to the powers of County Commissioners.

Read first and second time, referred to Judiciary Committee.

Also,

House Bill No. 202, A Bill for an Act to provide for the preservation of forests of this State and for the prevention and suppression of forest and prairie fires.

Read first and second times, referred to State Lands.

On motion of Ramsey the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Hepner:

House Bill No. 203, Bill for an Act to amend Section 4800 of the Political Code relative to the legislative powers of cities.

Read first and second time and referred to the Committee on Affairs of Cities.

Also,

House Bill No. 204, Bill for an act relating to public improvements in cities and towns and repealing sections 4817 to 4830, both incluisve, and sections 4880 to 4889, both inclusive, of the Political Code of Montana.

Read first and second time and referred to the Committee on Judiciary.

By Owsley:

House Bill No. 205, Bill for an Act to amend Section 181 of Chapter 3, Title 2, of the Code of Civil Procedure of the State of Montana to amend the Title of said Chapter.

Read first and second time and referred to the Committee on Judiciary.

By Stanton:

House Bill No. 206, Bill for an act relating to municipal indebtedness and repealing sections 4970 to 4981, both inclusive, of the Political Code.

Read first and second time and referred to the Committee on Affairs of Cities.

By Stork:

House Bill No. 207, Bill for an Act to repeal Article 10, of Chapter 5, of the Political Code of the State of Montana, being an act entitled, "Game and Fish Warden Commission."

Read first and second time and referred to the Committee on Fish and Game.

By Phillips:

House Joint Memorial No. 5, Memorial to Congress to allow a commutation of homestead entries after a six months residence, and to reduce the payments on the reclamation of desert lands.

Read first and second time and referred to Committee on Federal Relations.

SPECIAL ORDERS.

The hour of 3 P. M. for which House Bill No. 43 was made a special order, the House resolved itself into a Committee of the Whole for its consideration.

Stephens in the chair.

House resumed.

Mr. Speaker pro tem in the chair.

The following report was received:

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 43, beg leave to report the same back with accompanying amendments and as so amended recommend the same do pass.

STEPHENS,
Chairman.

On motion of Kennedy the report was adopted and the bill was ordered engrossed.

On motion of Lewis the House took a recess until 9:45 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

THIRTIETH DAY.

House of Representatives,
Helena, Montana, February 2d, 1897.

House resumed pursuant to adjournment at 9:45 A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Absent on leave—Clark, Campbell, Mulville.

Prayer by the Chaplain.

Journal of Twenty-ninth day read and approved.

MESSAGES FROM THE GOVERNOR.

The following communications were received:

Executive Office, Montana.
Helena, Montana, January 29, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I herewith transmit for the consideration of your honorable body the deficiency bill attached, which was referred to the Executive Office by the State Board of Examiners.

Respectfully,
ROBT. B. SMITH,
Governor.

Executive Office, Montana,
Helena, Montana, January 29, 1897.

Mr. Speaker and Gentlemen of the House of Representatives.

I transmit herewith for the consideration of your Honorable Body, the appeal of Miss Sadie Hogan from the action of the State Board of Examiners.

Respectfully,
ROBT. B. SMITH,
Governor.

Executive Office, Montana,
Helena, Montana, February 1, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I transmit for your consideration the deficiency bill herewith attached, the payment of the claim having been recommended by the State Board of Examiners as the amount due the contractor for the erection of the Soldiers' Home.

Respectfully,
ROBT. B. SMITH,
Governor.

The deficiency bills were referred to the Committee on Appropriations.
The appeals were referred to the Committee on Judiciary.

MESSAGES FROM THE SENATE.

The following communications were received:

Senate Chamber,
Helena, Montana, January 26th, 1897.

Mr. Speaker:

I have the honor to inform you that the Senate has passed Senate Bill No. 21, which is herewith transmitted and your concurrence therein is respectfully requested.

Yours Respectfully,
JOHN BLOOR,
Secretary of the Senate.

Senate Chamber,
Helena, Montana, January 26th, 1897.

Mr. Speaker:

I am directed by the Senate to inform you that the following bills were introduced:

By Chandler:

Senate Bill No. 40, A Bill for an Act to amend Section 4604 of the Political Code of the State of Montana concerning mileage of sheriffs.

Read first and second time and referred to Committee on Towns and Counties

By Campbell:

Senate Bill No. 41, A Bill for an Act to amend Sections 2860 to 2864 inclusive, being all of Chapter 1, Title 7, Part 3 of the Political Code providing for a County Board of Health and defining the powers and duties thereof.

Read first and second time and referred to Committee on Towns and Counties.

By Ramsdell:

Senate Bill No. 42, A Bill for an Act to amend Section 2530 of Chapter 3, Article 9, of the Code of Civil Procedure and specifying the disqualifications of judges in probate proceedings.

Read first and second time and referred to Committee on Judiciary.

By Smead:

Senate Bill No. 43, A Bill for an Act to amend Section 1940, Part 3, Title 3, Political Code relating to State School Fund.

Read first and second time and referred to Committee on Education.

By Watt:

Senate Bill No. 44, A Bill for an Act to amend Sections 1711, 1743, 1756, 1758, 1782, 1797, subdivision 15, 1830, subdivision 3, 1848, 1862, 1902, 1903, 1904, and 1940 of Part 3, Title 3, of the Political Code relating to Education.

Read first and second time and referred to Committee on Education.

The following notices were given:

By Babcock:

A Bill for an Act entitled an Act to make a portion of the Crow Indian Reservation in the State of Montana, a part of Yellowstone County and to alter the boundary lines of the Counties of Yellowstone and Custer so far as may be necessary to make them conform to the provisions of said proposed Act.

By Hurd:

A Bill for an Act creating a Board of Railroad Commissioners, defining their duties and regulating freight and passenger rates on the railroads of Montana.

Yours Respectfully,
JOHN BLOOR,
Secretary of Senate.

Senate Chamber.
Helena, Montana, January 27th, 1897.

Mr. Speaker:

I have the honor to inform you that the Senate has passed Senate Bills Nos. 17 and 18. Said Bills are herewith transmitted and your concurrence therein is respectfully requested.

Joint Resolution No. 1 has also passed the Senate and is herewith transmitted and your concurrence therein is respectfully requested.

Yours very truly.
H. S. CORBLY.
Assistant Secretary.

Senate Chamber,
Helena, Montana, January 27th, 1897.

Mr. Speaker:

I am directed by the Senate to inform you that the following Bills have been introduced:

By Judiciary Committee:

Senate Bill No. 45, Introduced without previous notice by consent. A Bill for an Act repealing Section 470 and 472, Article IX, Chapter III, Title I, Part III, of the Political Code relating to the appointment of a State Land Agent and his annual salary.

Read first and second time and referred to the Committee on Printing.

By Committee on Judiciary:

Senate Bill No. 46. Introduced without previous notice by consent. A Bill for an Act to amend Section 3013 of Article V, Chapter V, Title VII, Part III, Political Code of Montana relating to the salary of the State Veterinary Surgeon.

Read first and second time and referred to Committee on Printing.

By Committee on Judiciary:

Senate Bill No. 47. Introduced without previous notice by consent. A Bill for an Act regulating the office and traveling expenses of State officers and providing the manner of allowance and payment thereof.

Read first and second time and referred to Committee on Printing.

By Committee on Judiciary:

Senate Bill No. 48, Introduced without previous notice by consent. A Bill for an Act to amend Section 3591 and 3594 Article V, Title VIII, Part III, of the Political Code relating to the salary and duties of the State Land Register.

Read first and second time and referred to Committee on Printing.

The following notices of introduction of Bills were read:

By Cooper:

A Bill for an act to regulate transportation and freight rates on railroads in the State of Montana and to create a State Board of Railroad Commissioners and to define the powers and duties of said Board.

By Babcock:

A Bill for an Act entitled an Act relating to assignments for the benefit of creditors and to repeal Sections 4510 to 4535 inclusive of the Civil Code,

By Watt:

A Bill for an Act to amend Section 4604 of the Political Code relative to mileage of sheriffs.

By Babcock:

A Bill for an Act entitled an Act to amend Section 1561. of the Code of Civil Procedure relating to attachments in justice courts.

Yours Respectfully,
H. S. CORBLY,
Assistant Secretary.

Senate Chamber,
Helena, Montana, January 28th, 1897.

Mr. Speaker:

The following bills were introduced:

By Metzel:

Senate Bill No. 49, A Bill for an act to make a portion of the Crow Indian Reservation in the State of Montana a part of Yellowstone County, and to alter the boundary lines of the Counties of Yellowstone and Custer so far as may be necessary to make them conform to the provisions of this act.

Read first and second times and referred to Committee on Towns and Counties.

By Cooper:

Senate Bill No. 50, A Bill for an Act to regulate transportation and freight rates on railroads in this State, and to create a State Board of Railroad Commissioners, and to define their powers and duties.

Read first and second time and referred to Committee on Corporations other than Municipal

House Bill No. 3 was read first and second times and referred to Committee on Labor.

The following notices were read:

I hereby give notice that I will on to-morrow or some subsequent day introduce a bill for an act to amend Sections 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781 and 1782 of Article 4, Part 3, Title 2, Political Code, relating to the election of school trustees and to amend said article by adding thereto seven additional sections with reference to the election of school trustees, providing for registration, in certain districts and a compensation for school trustees in certain districts and repealing said sections, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, and all acts and parts of acts in conflict herewith.

METZEL.

Mr. President:

I desire to give notice that on to-morrow or some subsequent day I will introduce a bill for an Act to amend Sections 1354, 1360, 1361 and 1367, Part 3. Title 2, Chapter 9, of the Political Code of the State of Montana, relating to the printing of ballots and the manner of voting, and to provide for a simpler form of ballot and greater secrecy in voting.

HANNAH.

Yours Respectfully,
H. S. CORBLY,
Assistant Secretary.

Senate Chamber,
Helena, Montana, January 28th, 1897.

Mr. Speaker:

I have the honor to inform you that the Senate has passed Senate Bills Nos. 7, 25, 27, and 32. Said bills are herewith transmitted, and your concurrence therein is respectfully requested.

Yours Respectfully,
H. S. CORBLY,
Assistant Secretary.

Senate Chamber,
Helena, Montana, January 29th, 1897.

Mr. Speaker:

I have the honor to inform you that the Senate has passed Senate Bills Nos. 24, 31 and 37. Said bills are herewith transmitted and your concurrence therein is respectfully requested.

Yours Respectfully,
H. S. CORBLY,
Assistant Secretary.

Senate Chamber,
Helena, Montana, January 29th, 1897.

The following bills were introduced:

By Hannah:

Senate Bill No. 51. A Bill for an Act to amend Sections 1354, 1360 and 1367, Part 3, Title 2, Chapter 9, of the Political Code of the State of Montana, relating to the printing of ballots, and the manner of voting, and to provide for a simpler form of ballot and greater secrecy of voting.

By Hurd:

Senate Bill No. 52, A Bill for an Act providing for the establishment of a Board of Railroad Commissioners, defining their powers, duties and terms of office.

By Babcock:

Senate Bill No. 53, A Bill for an Act relating to assignments for the benefit of creditors, and to repeal Sections 4510, to 4535 inclusive of the Civil Code.

Yours Respectfully,
H. S. CORBLY,
Assistant Secretary.

Senate Chamber,
Helena, Montana, February 1st, 1897.

Mr. Speaker:

The following bills were introduced:

By Greene:

Senate Bill No. 54, Introduced by consent without previous notice. A Bill for an Act to amend sections 720 and 722 of the Code of Civil Procedure relating to pleadings in civil actions.

Read first and second times and referred to Committee on Judiciary.

By Norris:

Senate Bill No. 55, A Bill for an act to amend Section 3698, Chapter III,

Read first and second times and referred to the Committee on Judiciary.

of Appraisers, and defining its powers and duties.

By Metzel:

Senate Bill No. 56, A Bill for an Act to amend Sections 1770 and 1782, inclusive, of Article IV, Part III, Title II, Political Code, relating to the election of school trustees, and to amend said article by adding thereto seven additional sections with reference to the election of school trustees, providing for registration in certain districts, and a compensation of school trustees in certain districts and repealing said sections 1770 to 1782, inclusive, and all acts and parts of acts in conflict herewith.

Read first and second times and referred to the Committee on Judiciary.

The following notices were given of the introduction of bills:

By Metzel:

A Bill for an Act to provide for the creation of a Veterinary Examining Board for the protection of the live stock interests of the State of Montana.

By Hannah:

A bill to provide for the reduction of the salaries of County officers.

By Auld:

A Bill relating to the collection of fees by the Inspector of Mines.

Also,

A Bill for an act legalizing the acts of city councils in the issuing of bonds and warrants.

Yours Respectfully,
H. S. CORBLY,
Assistant Secretary.

Senate Chamber,
Helena, Montana, February 1st 1897.

Mr. Speaker:

Title X, Part III of the Political Code, relating to the appointment of a Boar

I have the honor to inform you that the Senate has passed the following bills:

Senate Bill No. 29 and Senate Bill No. 47. Said bills are herewith transmitted and your concurrence therein is respectfully requested.

Yours Respectfully,
H. S. CORBLY,
Assistant Secretary.

Senate Bills were read as follows:

Senate Bill No. 21. A Bill for an Act to repeal section 925 Code of Civil Procedure relating to atachment or garnishment of money or credit in the possession or under the control of a public officer, corporation or board.

Read first and second times and referred to the Committee on Judiciary.

Senate Bill No. 18, A Bill for an act to amend Section 2990, Article 4, Chapter 5, Title 7, Part 3, of the Political Code of the State of Montana in reference to a tax levy for stock inspection purposes.

Read first and second times and referred to the Committee on Agriculture and Stock Growing.

Senate Bill No. 32, A Bill for an Act to amend Section 1012 Political Code of Montana as to time for filing oath of office.

Read first and second times and referred to the Committee on Judiciary.

Senate Bill No. 7, A Bill for an Act to add to Article 2, Title 8, Part 3 of the Political Code, two additional Sections which shall be designated and numbered "Sections 3520 and 3521," regulating the appraisement of State lands, and providing for the purchase by lessees of the State Lands of the improvements placed thereupon by prior lessees."

Read first and second times and referred to the Committee on State Lands.

Senate Bill No. 24, A Bill for an Act to amend Sections 3860, 3862, 3863, 3866, 3867, 3873, and 3908 of an act entitled "An Act to establish a Political Code," approved February 25, 1895, relating to revenue and taxation.

Read first and second times and referred to the Committee on Ways and Means.

Senate Bill No. 25, A Bill for "An Act making an appropriation to defray the expenses connected with the contests to seats in the Senate from the Senatorial Districts of Teton, Granite and Ravalli Counties."

Read first and second times and referred to the Committee on Appropriations.

Senate Bill No. 27, A Bill for an act to amend Section 4595 of the Political Code of the State of Montana relating to the payment of the salaries of County officers and deputies."

Read first and second times and referred to the Committee on Ways and Means.

Senate Bill No. 37, A Bill for "An Act to repeal Sections 2870, 2871, 2872, 2873, 2874 and 2875, being all of Chapter II, Title VII, Part III, of the Political Code, and to substitute therefor provisions for the collection of vital statistics by the school district clerks."

Read first and second times and referred to the Committee on State Boards and Officers.

Senate Bill No. 17, A Bill for "An Act entitled an act changing the name of the Agricultural College of the State of Montana."

Read first and second time and referred to the Committee on State Institutions, Public Buildings and Grounds.

Senate Bill No. 31, A Bill for "An Act to amend Section 4635 Political Code of Montana as to fees for recording instruments in writing relating to location of and annual labor upon mining claims."

Read first and second time and referred to the Committee on Mines and Mining.

Senate Bill No. 47, A Bill for "An Act regulating the office and traveling expenses of State Officers and providing for the manner of allowance and payment thereof."

Read first and second time and referred to the Committee on State Boards and Officers.

Senate Bill No. 29, A Bill for "An Act to add an additional Section to Chapter VIII, Part III, Title X, of the Political Code of Montana to be numbered Section 3927, providing for the payment of subsequent taxes on real estate sold for delinquent taxes."

Read first and second times and referred to the Committee on Ways and Means.

Senate Joint Resolution No. 1, Providing for the appointment of Committees from the House and Senate to visit and report upon the condition of the various State Institutions, and on motion of Watkins was adopted.

House Bill No. 70 was read a third time and upon request of Owens unanimous consent was given to have the same placed on the General Orders.

GENERAL ORDERS.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

McIntire in the chair.

House resumed.

Mr. Speaker in the chair.

McIntire of Committee of the Whole reported progress and leave was granted to sit again.

On motion of Cochran the House took a recess until 1:30 P. M.

AFTERNOON SESSION.

1:30 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

W. M. Kelly was granted an indefinite leave of absence on account of sickness.

GENERAL ORDERS.

The House again resolved itself into a Committee of the Whole for the further consideration of General Orders.

McIntire in the chair.

House resumed.

Mr. Speaker in the chair.

McIntire of the Committee of the Whole was granted further time in which to report.

NOTICE OF INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Hepner:

A Bill for an Act authorizing the issuance of Bonds to provide for the erection of a building for the State of Montana, at the City of Helena, and providing for the payment of interest thereon, and repealing Sections 2453 and 2454 of the Political Code of Montana.

By Buckley:

A Bill for an Act authorizing the issuance of bonds to provide for the erection of buildings for the Montana Deaf and Dumb Asylum at the City of Boulder, and providing for the payment of interest thereon and the repeal of Sections 2369, 2370 and 2371 of the Political Code of Montana.

By Leehey:

tion of buildings for the Montana State School of Mines at the City of Butte, and providing for the payment of interest thereon and the repeal of Sections 1584, 1600 and 1601 of the Political Code of the State of Montana.

GENERAL ORDERS.

On motion of Cochran the House again resolved itself into Committee of the Whole for the consideration of General Orders.

Elliott in the chair.

House resumed.

Mr. Speaker in the chair.

The following reports were received:

Mr. Speaker:

Your Committee of the Whole, to whom was referred House Bill No. 90, being a bill for an Act appropriating money for the payment of the claims of certain persons for services rendered to and supplies furnished the Western Penitentiary, Montana, in the year 1896, beg to report that we recommend that the same do pass.

McINTIRE,
Chairman of the Committee of the Whole.

Mr. Speaker:

Your Committee of the Whole, to whom was referred Substitute for House Bill No. 17, the same being a bill for an act providing for further protection of underground miners, beg to report that we recommend the passage of said bill.

McINTIRE.
Chairman.

House Bills No. 90 and Substitute for House Bill No. 17 were ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee of the Whole to whom was referred Substitute for House Bill No. 1, the same being a bill for an act to establish and maintain a uniform series of the text books in the public schools of Montana, beg leave to report that we recommend to the House that the accompanying amendment be printed and that the substitute bill and amendments offered thereto be made the special order for Thursday next at 2 o'clock P. M.

McINTIRE,
Chairman.

On motion of Clem the report was adopted and the amendments were ordered printed and substitute for House Bill No. 1 and accompanying amendments were made a special order for 2 P. M. on Thursday next.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee to whom was referred House Bill No. 121, beg leave to report the same back with the recommendation that it do pass.

ELLIOTT,
Chairman.

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bills Nos. 91, 92, 93 ,94, 96, 99, 100, 101, 102, 104, 105, 106, 107, 108; 109; 110; 111; 112; 113; 114, being appropriation bills, we report the same back with the recommendation that they do pass.

ELLIOTT,
Chairman.

House Bills Nos. 121, 91, 92, 93, 94, 96, 99, 100, 101, 102, 104, 105, 106; 107; 108; 109; 110; 111; 112; 113, 114 were ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 25, entitled "An Act to create the County of Rosebud, to define its boundaries and to provide for its organization," beg leave to report the same back with the recommendation that the same made a special order for 2:30 P. M. February 3rd.

ELLIOTT,
Chairman.

On motion of Kennedy the report was adopted and House Bill No. 25 was made a special order for 2:30 P. M. to-morrow.

On motion of Shovlin the House took a recess until 9:30 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

THIRTY-FIRST DAY.

House of Representatives,
Helena, Montana, February 3d, 1897.

House resumed at 9:30 A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Absent on leave—Clark, Campbell, W. M. Kelly.

Prayer by the Chaplain.

Journal of Thirtieth day read and approved.

Gilna was excused from attendance for two days.

NOTICES OF INTRODUCTION OF BILLS.

Notices of the introduction of Bills were given as follows:

By Stephens:

Bill for an act to amend Sections 3844, 3861, 3873, 3888, 3895 and 3913, and to repeal 3867 of the Political Code of Montana, relating to revenue.

By Bourne:

Bill for an act entitled an Act to amend Section 1187, Chapter 2, Title 15, of the Penal Code, relating to driving away and dogging of stock on the range.

By Dee:

Bill for an act entitled an Act to amend Section 560 of the Political Code, with regard to licenses.

MESSAGES FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, February 2nd, 1897.

Mr. Speaker:

I have the honor to inform you that the Senate has concurred in House Bill No. 24, and the same is herewith transmitted.

Yours respectfully,
H. S. CORBLY,
Assistant Secretary.

House Bill No. 24 was ordered enrolled.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report that we have selected Mr. C. R. Craig as clerk and ask the House to ratify our selection.

McINTIRE,
Chairman.

On motion of Kennedy the report was adopted and the appointment of C. R. Craig as clerk of the Enrollment Committee was ratified by the House.

The following report was received:

Mr. Speaker:

Your Committee on Internal Improvements, having had under consideration Senate Bill No. 1 entitled an Act to provide for the erection, completion, furnishing and equipment of Buildings for the University of Montana," beg leave to report the accompanying amendments and as amended that the bill do pass.

E. J. POWER, Vice-Chairman.
W. J. KENNEDY,
EUGENE SULLIVAN.

On motion of Kennedy Senate Bill No. 1 and the amendments offered thereto were placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Joint Memorials Nos. 1, 2 and 3 as also, House Bills Nos. 22, 43, 45. 50, 51, 58, 68 and 69 properly engrossed.

Respectfully,
C. F. STORK,
Chairman.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills numbered 36, 55, 59, 159, 174 and 194, beg leave to report that the same have been properly printed.

O'CONNOR.
Chairman.

House Bills Nos. 36, 55, 59, 159, 174 and 194 were placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Affairs of Cities having had under consideration House Bill No. 189, being "A Bill for an Act relating to Interest upon Warrants of Cities and Towns," begs to recommend as follows: That there be added to the said Bill a section, to be known as Section 3, which amendment accompanies the bill and as so amended recommend it do pass.

HEPNER,
Chairman.

On motion of Kennedy the amendment was adopted and the bill as amended was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 183, being "A Bill for an Act to amend Sections 4805, 4807, 4809, 4811, 4812, 4813, 4865, 4874 and 4900 of the Political Code of the State of Montana, relating to the Powers of City Councils,' beg to submit the following report: That the said bill be so amended that Section 4865 be stricken out, and that the law as it now exists be allowed to remain as it is in the Codes; that with this change they recommend that the bill do pass.

H. S. HEPNER,
Chairman.

On motion of Carroll the amendments to House Bill No. 183 were adopted and the bill was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Insurance having had under consideration House Bill No. 136 being "A Bill for an Act to provide for the organization, regulation and inspection of Building and Loan Associations, introduced by Ramsey, beg to submit herewith a substitute bill and recommend that such substitute do pass.

E. J. POWER,
First Vice-Chairman.

On motion of Hepner the substitute to House Bill No. 136 was adopted and the same was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 203, being "A Bill for an Act to amend Section 4800 of the Political Code of the State of Montana, relating to Legislative Powers of Cities," begs to recommend that the same do pass.

HEPNER,
Chairman.

House Bill No. 203 was ordered printed.

Mr. Speaker:

Your Committee on Affairs of Cities having had under consideration House Bill No. 184, being "A Bill for an Act to amend Sections 4723, 4740, 4741, 4742, 4748, 4752, 4754, 4756, 4762, 4764, 4768, 4780, 4781, 4784, 4786, 4789, 4816, 4911, 4912 and 4913, of the Political Code of the State of Montana, relating to City Elections and Officers," introduced by Stanton, beg to submit the accompanying amendments and as so amended recommend that the same do pass.

HEPNER,
Chairman.

On motion of Carroll the amendments to House Bill No. 184 were adopted and the bill as amended was ordered printed.

MESSAGES FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, February 2nd, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that:

Notices of the introduction of bills were given as follows:

By Riddell:

A Bill for an Act authorizing the issuance of bonds for the erection of buildings for the Montana State School of Mines at the City of Butte and providing for the payment of interest thereon, and the repeal of Sections 1584, 1600, 1601 of the Political Code of Montana.

Also,

A Bill for an Act authorizing the issuance of bonds to provide for the erection of a Capitol Building at the City of Helena and providing for the payment of interest thereon, and repealing Sections 2453, 2454 of the Political Code of Montana.

By Greene:

A Bill for an Act authorizing the issuance of bonds to raise money to refund all outstanding Deaf and Dumb Asylum Building warrants, to erect certain improvements on the lot of said Asylum at Boulder, Montana and to create a sinking fund to redeem said bonds.

By Smead:

A Bill for an Act to provide for the preservance of forests and the prevention of forest fires.

The following bills were introduced:

By Chandler:

Senate Bill No. 57, A Bill for an Act to amend Chapter 3, Title 2, of Part 3, of the Political Code by repealing Sections 1224 to 1233 inclusive by adding Sections 1201 to 1208, inclusive, by adding Sections 1210 to 1216 inclusive. and by amending Section 1209 and 1234 relating to registration of voters.

By Chandler:

Senate Bill No. 58, A Bill for an Act to amend Chapter 9, Title 2, Part 3, of the Political Code relating to Ballots and Voting.

By Auld:

Senate Bill No, 59. A Bill for an Act entitled an Act to legalize the acts of City Councils in the matters of assessments for special improvements and Bonds and Warrants issued in payment therefor.

By Auld:

Senate Bill No. 60, A Bill for an Act to add two additional Sections to Article 15, Title 1, Part 3, of an Act entitled "An Act to establish a Political Code," Approved February 25, 1895. Relating to the inspector of mines, which shall be numbered and designated as Section 591 and 592.

By Hannah:

Senate Bill No. 61, A Bill for an Act to amend Section 4594, Part 4, Chapter 4, Title 2, of the Political Code of Montana relating to the salaries of County officers and to provide for a reduction of the same.

By Metzel:

Senate Bill No. 62, A Bill for an Act to provide for the creation of a Veterinary Examining Board, for the protection of live stock interest of the State of Montana.

Yours Respectfully,
H. S. CORBLY,
Assistant Secretary.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Butler:

House Bill No. 208, Bill for an act to amend Sections 4950 and 4951 of Chapter 4, Part 4, and Title 3, of the Political Code relating to the proceedings for changing towns or cities from one class to another.

Read first and second time and referred to the Committee on the Affairs of Cities.

By Penwell:

House Bill No. 209, Bill for an act to more fully provide for the protection of human life and property by reason of the defective construction or maintenance of dams and reservoirs, and to amend Chapter 24, of the Political Code, relating to dams and reservoirs by adding thereto Sections 3454, 3455, 3456, 3457, 3458, 3459, 3460 and 3461.

Read first and second time and referred to the Committee on Internal Improvements.

By Whiteside:

House Bill No. 210, Bill for an Act to amend Section 3508 Article 1 Title 8, Part 3, of the Political Code of the State of Montana.

Read first and seconds times and referred to the Committee on State Lands.

Also,

House Bill No. 211, Bill for an act to amend Section 2960, Part 3, Title 1 of the Political Code of the State of Montana.

Read first and second time and referred to the Committee on Labor.

By Hart:

House Bill No. 212, Bill for an act to prevent the herding of sheep on the lands or possessory claims of others.

Read first and second time and referred to the Committee on Agriculture and Stock Growing.

By Woods:

House Bill No. 213, Bill for an Act to amend Sections 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4876, and 4877, relating to taxation in municipal corporations.

Read first and second time and referred to the Committee on Ways and Means.

Also,

House Bill No. 214, Bill for an Act to amend Section 4233, Chapter 2, Article 2, Title 2, of the Political Code, relating to county printing.

Read first and second time and referred to the Committee on Printing.

By Stork:

House Bill No. 215, An Act to prevent vicious dogs running at large.

Read first and second time and referred to the Committee on Internal Improvements.

By Whipple:

House Bill No. 216, Bill for an Act for the relief of Fred. A. Stimpson, of Meagher County, for horses destroyed by order of the State Veterinarian.

Read first and second time and referred to the Committee on Appropriations.

By Wamsley:

House Bill No. 217, Bill for an Act providing that foreign life insurance companies and other foreign insurance companies embraced within the provisions of Title 4, of Part 4, of Division 1, of the Civil Code of Montana, shall not be required to comply with the provisions of Title II, of Part 4, of Division 1, of said Code.

Read first and second time and referred to the Committee on Insurance.

By Owens:

House Bill No. 218, Bill for an act amending Sections 220. 221, 222, 223, 224, of the Political Code of the State of Montana, relative to the compensation of members, officers, and employes of the Legislative Assembly.

Read first and second times and referred to Committee on Ways and Means.

On motion of Carroll House Bill No. 32 was taken from the General Orders and the same was ordered printed.

THIRD READING OF BILLS.

House Bill No. 69 was read third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Greenfield, Hepner, Hill, Humber, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, McIntire, Metlen, Morgan, Mulville, O'Malley, Owens, Penwell, Perrine, Phillips, Power, Sanford, Shifelbin, Stephens, Stork Sullivan, Taylor, Watkins, Woods—Mr. Speaker—48.

Noes—None.

Absent—Caldwell, Campbell, Clark, Gilna, Hart, Hewett, Kelly, W. M., McCabe, McMahon, McNally, Morton, Newton, O'Connor, Owsley, Ramsey, Shovlin, Stanton, Wamsley, Warren, Whipple, Whyte, Whitseide—22.

Title amended by adding the words "relating to the officers of the Legislative Assembly.

House Bill No. 68 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Carroll, Dee, Edwards, Elliott, Evans, Greenfield, Hart, Hepner, Hill, Humber, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, McIntire, McNally, Metlen, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Sanford, Shifelbin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Whipple, Whyte, Woods, Mr. Speaker—48.

Noes—Clem, Watkins—2.

Absent—Caldwell, Campbell, Clark, Cochran, Gilna, Hewett, Kelly, W. M., Lewis, Loeb, McCabe, McMahon, Morgan, O'Connor, Power, Ramsey, Shovlin, Warren, Whiteside—18.

Title agreed to.

House Bill No. 58 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Carroll, Clem, Dee, Edwards, Elliott, Evans, Greenfield, Hepner, Hill, Humber, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Loeb, Longstaff, Marcum, McIntire, McNally, Metlen, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Warren, Watkins, Whipple, Whyte, Woods, Mr. Speaker—53.

Noes—Lewis—1.

Absent—Caldwell, Campbell, Clark, Cochran, Gilna, Hart, Hewett, Kelly, W. M., McCabe, McMahon, Morgan, O'Connor, Ramsey, Whiteside—14.

Title agreed to.

House Bill No. 51 was read a third time and passed by the following vote:

Ayes—Bartlett, Brown, Bourne, Bruffy, Buckley, Butler, Caldwell, Carroll, Dee, Edwards, Elliott, Evans, Greenfield, Hart, Hepner, Hewett, Humber, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Loeb, McCabe, McIntire, McNally, Metlen, Morton, Newton, Owens, Owsley, Penwell, Phillips, Shovlin, Stanton, Stork, Sullivan, Taylor, Warren, Whipple, Woods, Mr. Speaker—43.

Noes—Armitage, Clem, Hill, Longstaff, Marcum, McMahon, Mulville, O'Mally, Perrine, Power, Sanford, Shifelbin, Stephens, Wamsley, Watkins, Whyte—16.

Absent—Clark, Cochran, Gilna, Kelly, W. M., Morgan, O'Connor, Ramsey, Whiteside, Campbell—9.

Title agreed to.

House Bill No. 50 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Butler, Caldwell, Carroll, Clem, Dee, Edwards, Elliott, Evans, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morton, Mulville, Newton, Owens, Owsley, Penwell, Perrine, Phillips, Sanford, Shovlin, Stanton, Stephens, Taylor, Warren, Whipple, Woods, Mr. Speaker—50.

Noes—Buckley, O'Malley, Power, Shifelbin, Stork, Watkins, Whyte—7.

Absent—Campbell, Clark, Cochran, Gilna, Kelly, W. M., Morgan, O'Connor, Ramsey, Sullivan, Wamsley, Whiteside—11.

Title amended by adding the words "relative to duties of State Treasurer"

On motion of Evans the House took a recess till 1:30 P. M.

AFTERNOON SESSION.

1:30 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

MESSAGES FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, February 3rd, 1897.

Mr. Speaker:

I have the honor to inform you that the Senate has passed Senate Joint Resolution No. 2. The same is herewith transmitted and your concurrence therein is respectfully requested.

Yours Very Respectfully,
JOHN BLOOR,
Secretary.

Loeb moved to reject Senate Joint Resolution No. 2.

On motion of Dee, the motion of Loeb was laid on the table.

On motion of Leehey the vote by which Senate Joint Resolution No. 1 was adopted, was reconsidered and the House refused to concur in the same.

Whiteside offered a substitute for Senate Joint Resolution No. 2

SPECIAL ORDERS.

The hour of 2:30 P. M. having arrived for which House Bill No. 25 was made a special order.

The House resolved itself into Committee of the Whole for its consideration.

Stephens in the chair.

House resumed.

Mr. Speaker in the chair.

MESSAGES FROM THE GOVERNOR.

The following communications were received:

Executive Office,
Helena, Montana, February 3, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I have appointed Mr. Charles F. Word to be my private secretary on and after February 4th, 1897, to succeed Mr. A. B. Keith.

Respectfully,
ROBT. B. SMITH,
Governor.

Executive Office, Montana,
Helena, Montana, February 3, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

The State Auditor this afternoon called my attention to the fact that in presenting your claims for mileage for members of the Senate and House of Representatives it was computed at the rate of twenty cents per mile each way. Section 5 of Article 5 of the Constitution provides that the pay of the members of the First Legislative Assembly should be $6 per day and mileage at twenty cents per mile. The compilers of the Codes evidently had this constitutional provision in mind when Section 220 of the Political Code was incorporated into it, making the pay $6 per day and mileage at twenty cents per mile each way. But the Fourth Legislative Assembly, on the 7th of March, 1895, passed an Act which will be found in Section 4590 of the Political Code, reducing the mileage of members to ten cents per mile each way. There is no question but this last enactment is the controlling law. Under the law you were only entitled to collect mileage at the rate of ten cents per mile each way. The Auditor informs me that most of this mileage has already been paid. I trust that your Body will make such provisions as will restore to the treasury the amount which has thus been withdrawn without authority of law. It can be turned over by allowing the Auditor to retain the proper amount out of the per diem yet due the members.

Respectfully,
ROBERT B. SMITH,
Governor.

SPECIAL ORDERS.

House again resolved itself into Committee of the Whole for the consideration of House Bill No. 25.

Stephens in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration House Bill No. 25 have amended Section (2) two of the same by inserting 15 between the word the and the word day on line 24 thereof, making it read the 15 day of March, and beg leave to report the same back as amended with the recommendation that the same do pass.

STEPHENS,
Chairman.

On motion the report was adopted and House Bill No. 25 was ordered engrossed.

On motion of McIntire the House took a recess until 9:45 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

THIRTY-SECOND DAY.

House of Representatives,
Helena, Montana, February 4, 1896.

House resumed at 9:45 A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Absent on leave—Campbell, Clark, Gilna, Kelly, W. M.

Prayer by the Chaplain.

Journal of Thirty-first day read and approved.

The substitute for Senate Joint Resolution No. 2, introduced by Whiteside at yesterday's session was adopted.

THIRD READING OF BILLS.

House Bill No. 22 was read a third and pasesd by the following vote:

Ayes—Armitage, Bartlett, Bruffy, Buckley, Butler, Caldwell, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Hart, Hepner, Hill, Humber, Kelly, J. N., Kennedy, Leehey, Lindsay, Loeb, Longstaff, McCabe, McIntire, McMahon, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, Owens, Penwell, Perrine, Phillips, Power, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—51.

Noes—Bourne, Brown, Lewis, Owsley—4.

Absent—Campbell Gilna, Greenfield, Hewett, Kelly, W. M., Langhorne, Marcum, McNally, O'Mally, Ramsey, Wamsley, Warren—13.

House Bill No. 45 was read a third time and passed by the following vote:

Ayes—Armitage, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Hart, Hepner, Hill, Humber, Kelly, J. N., Kennedy, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, McCabe, McIntire, McNally, Metlen, Morgan, Morton, Newton, O'Connor, Owens, Owsley, Perrine, Phillips, Power, Sanford, Shifelbin, Shovlin Stanton, Stephens, Stork, Sullivan, Wamsley, Taylor, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—54.

Noe—Bartlett, McMahon, Mulville, Penwell—4.

Absent—Campbell, Clark, Gilna, Hewett, Greenfield, Kelly, W. M., Langhorne, O'Malley, Ramsey, Warren—10.

House Bill No. 43 was read a third time and lost by the following vote:

Ayes—Bourne, Brown, Butler, Hart, Hepner, Humber, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Marcum, McIntire, Owsley, Penwell, Perrine, Phillips, Sanford, Shovlin, Stanton, Stephens, Stork, Whiteside —24.

Noes—Armitage, Bartlett, Bruffy, Buckley, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Hill, Longstaff, McCabe, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Power. Shifelbin, Sullivan, Taylor, Watkins, Whyte, Woods, Mr. Speaker—32.

Absent—Clerk, Caldwell, Campbell, Gilna, Greenfield, Hewett, Kelly, W. M., Loeb, Ramsey, Wamsley, Warren, Whipple—12.

House Joint Memorial No. 3 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Butler, Caldwell, Carroll, Clem. Cochran, Dee Edwards, Elliott, Evans, Hart, Hepner, Hill, Humber, Kelly. J. N., Kennedy, Leehey, Lindsay, Longstaff. Marcum, McCabe, McIntire, McMahon, Metlen, Morgan, Morton, Newton, O'Connor. O'Malley, Owens, Owsley, Penwell, Perrine, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Watkins, Whipple, Whyte, Woods, Mr. Speaker—50.

Noes—Bourne, Buckley, Lewis, McNally, Phillips—5.

Absent—Campbell Clark, Gilna, Greenfield, Hewett, Kelly, W. M., Langhorne, Loeb, Mulville, Power, Ramsey, Warren, Whiteside—13.

House Joint Memorial No. 2 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Carroll, Clem, Cochran, Dee, Edwards, Elliott Evans, Hart, Hepner, Hill, Humber, Kelly, J. N., Kennedy, Leehey, Lindsay, Loeb, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Newton, O'Connor, O'Malley. Owens, Owsley, Penwell, Perrine, Phillips, Sanford, Shifelbin, Shovlin, Stephens, Stork, Sullivan, Taylor, Watkins, Woods—49.

Noes—Mr. Speaker—1.

Absent—Campbell, Clark, Gilna, Greenfield, Hewett, Kelly, W. M., Langhorne, Lewis, McCabe, Mulville ,Power, Ramsey, Stanton, Wamsley, Warren, Whipple, Whyte, Whiteside—18.

House Joint Memorial No. 1 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bruffy, Buckley, Butler, Caldwell, Carroll, Clem Cochran, Dee Edwards, Elliott, Evans, Hart, Hepner, Hill, Humber, Kelly. J. N., Kennedy, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, McIntire, McMahon, McNally. Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Phillips, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley Watkins. Whyte. Whiteside, Woods, Mr. Speaker—53.

Noes—Bourne, Brown—2.

Absent—Campbell, Clark, Gilna, Greenfield, Hewett, Kelly W. M., Langhorne, McCabe, Perrine, Power, Ramsey, Warren, Whipple—15:

NOTICE OF INTRODUCTION OF BILLS.

Notices of bills to be introduced were given as follows:

By Elliott:

Bill for an act to provide for the actual traveling expenses to State and County officials, witnesses and jurors, when traveling in the performance of public duties.

By Armitage:

Bill for an Act requiring all ditch or canal companies to provide suitable gates or baces for the lawful measurement of water sold.

By Leehey:

In the name and on behalf of the Representative Clark, a Bill for an act to appropriate to C. D. French, J. V. Jerome and Fred H. Foster, sums of money therein named.

By Bartlett:

Bill for an act to protect the creditors of assignors and to regulate the duties of assignees.

By Humber:

Bill for an Act to amend Sub-division 21 of section 4230 of Part 4, of Title 2, of Chapter 2, of the Political Code, relating to the duties of county commissioners.

By Carroll:

Bill for an Act providing for the appointment of a Medical Inspector for inmates of houses of prostitution.

By O'Malley:

Bill for an Act to appropriate money for payment of certain money for payment L. R. Peck for services rendered the Fourth Assembly.

GENERAL ORDERS.

The House resolved itself into Committee of the Whole for the consideration of General Orders.

Butler in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Hepner the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

REPORTS OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred the amendment for the substitute to House Bill No. 1 and House Bills numbered 44, 97, 98, 173 and 175 beg leave to report that the same have been properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 44, 97, 98, 173 and 175 were placed on the General Orders.

SPECIAL ORDERS.

The hour having arrived for which Substitute for House Bill No. 1 was made a special order the House resolved itself into Committee of the Whole for its consideration.

Kennedy in the chair.

House resumed.

Mr. Speaker in the chair.

Kennedy of the Committee of the Whole was granted further time in which to report.

The following was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration House Bills Nos. 61 and 74, beg leave to report House Bill No. 61 back with the recommendation that it do pass. Report progress on House Bill No. 74 and ask leave to sit again.

BUTLER,
Chairman.

House Bill No. 61 was ordered engrossed.

House resolved itself into Committee of the Whole for the consideration of General Orders.

Mr. Butler in the chair.

House resumed.

Mr. Speaker in the chair.

Mr. Butler of the Committee of the Whole was granted time in which to report.

On motion of McNally House Bill No. 21 was taken from the General Orders and made a special order for 2 P. M. to-morrow.

Power announced that he had paired with Campbell on all matters pertaining to the creation of Rosebud County.

On motion of McCabe the House adjourned.

DAVID MARKS.
Chief Clerk.

THIRTY-THIRD DAY.

Helena, Montana, February 5, 1897.

House of Representatives,

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called, quorum present.

Absent on leave—Campbell, Clark, Gilna, Kelly, W. M.

Prayer by the Chaplain.

Journal of Thirty-second day read and approved.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration "Amendment to Substitute for House Bill No. 1, have instructed me to report the bill back to this body with the accompanying amendments, and as amended to recommend that it do pass. (References are to printed bill.)

KENNEDY,
Chairman.

On motion of Clem the report was adopted and substitute for House Bill No. 1 was ordered engrossed.

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 74, beg leave to report the same back with the accompanying amendments and the recommendation that it do pass as amended,.

BUTLER,
Chairman.

On motion of Clem the report was adopted and House Bill No. 74 was ordered engrossed.

NOTICE OF INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Clem:

Bill for the establishment of pay-days twice a month for corporations.

Also,

Bill for an act to prevent one industry in the hands of large owners from destroying another industry in the hands of small owners.

By Woods:

Bill for an act to provide for the prevention of fire and the protection of property endangered thereby in unincorporated towns and villages.

By Hill:

Bill prescribing the duties of public officers relating to the issuance of licenses.

By Stanton:

Bill for an act to amend Article I, Chapter 1, Title 5, of the Political Code, relating to the insane asylum, and the care of the insane, by repealing a portion thereof and adding thereto a provision for an increased board of commissioners for the insane with increased powers and duties.

By Carroll:

Bill for an act to provide for the assessment and taxation of franchises for electric street railways, electric lights and gas companies or corporations.

By Whiteside:

Bill for an act relating to state arid lands.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on State Lands to whom was referred House Bill No. 210, beg leave to report the same back with the recommendation that it do pass.

WHITESIDE,
Chairman.

House Bill No. 210, was ordered printed.

The following report was received:

Mr. Speaker:

We, the undersigned, a majority of the members of the following committees, to-wit:

State Lands, Incorporations and Manufactures, Internal Improvements, and Federal Relations, and Labor

have agreed to recommend to the House the appointment of Miss Bertha Kelly as clerk of the said Five committees, and ask that said recommendation be confirmed.

M. J. Elliott, Martin Buckley, W. J. Stephens, Robt. Whyte, C. W. Newton, D. E. Metlen, W. J. Kennedy, Eugene Sullivan, E. J. Power. M. Dee, James, Hart, B. D. Phillips, T. T. Taylor, F. Whiteside, A. Morton, P. W. Watkins, William Lindsay, G. F. Bartlett, Wm. J. Evans, J. B. McNally, Emmett R. Carroll, E. Sanford, O. Y. Warren.

On motion of Shifelbin the report of the various committees was adopted and Miss Bertha Kelly was declared elected Committee Clerk of the House

The following report was received:

Mr. Speaker:

Your Committee on Federal Relations having had under consideration

House Joint Memorial No. 5 in relation to Homesteads and desert lands recommend that the same do pass.

STEPHENS,
Chairman.

House Joint Memorial No. 5 was placed upon the General Orders.

The following report was received:

Mr. Speaker:

The Committees on Insurance and Affairs of Cities respectfully recommend that a clerk be allowed said committee and hereby name Miss Maud Honsinger as such clerk.

E. J. POWER,
1st Vice-Chairman of Insurance Committee.
H. S. HEPNER,
Chairman Committee on Affairs of Cities.

On motion of Elliott the report was adopted and the appointment of Miss Honsinger was ratified by the House.

The following report was received:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred House Bill No. 131, "A bill for an act to amend section 2510, Article 4, Chapter 4, Title 5, Part 3 of the Political Code of the State of Montana, relating to Soldiers Home" beg leave to report the same back with the recommendation that it do pass.

LANGHORNE,
Chairman.

House Bill No. 131 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Libraries had House Bill No. 188, "A Bill to amend Section 5039, 5040 and 5041 of the Political Code under consideration and recommend that Sections 5040, 5041 be struck out of said bill and that Section 5039 do pass.

J. E. WAMSLEY,
Chairman.

On motion of Leehey the report was adopted and House Bill No. 188 was ordered printed as amended.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 95, "A Bill for an Act appropriating money for the payment of the claim of A. B. Keith for services rendered as custodian of the armory," introduced by the Committee on Appropriations, beg leave to report that we have carefully examined the same and recommend that it do pass.

Respectfully submitted,

LEEHEY,
Chairman.

House Bill No. 95 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Irrigation and Water Rights having had under consideration House Bill No. 190 introduced by Marcum providing for exemption from taxation of irrigating canals, return same herewith, with the recommendation that it be indefinitely postponed. We believe it to be in direct conflict with Section 7, Article 12 of the Constitution.

Respectfully,

T. C. ARMITAGE,

Chairman.

On motion of Woods the report was adopted and House Bill No. 190 was indefinitely postponed.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills numbered 78, 115, 116, 147, 156 and 166, beg leave to report that the same have been properly printed.

D. P. O'CONNOR,

Chairman.

House Bills Nos. 78, 115, 116, 147, 156 and 166 were placed upon General Orders.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 62, "A Bill for an act to amend Sections 2153 and 2154 and to repeal Section 2156 of the Code of Civil Procedure" beg leave to report that we have had the same under consideration and we recommend that it be printed.

LEEHEY,

Chairman.

House Bill No. 62, was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report the following numbered Bills as correctly engrossed: Nos. 105, 106, 107, and 25.

C. F. STORK,

Chairman.

Mr. Speaker:

Your Committee on Engrossment beg leave to report the following numbered bills as properly engrossed: Nos. 108, 121 and 17.

C. F. STORK,

Chairman.

Mr. Speaker:

Your Committee on Engrossment beg leave to report the following numbered bills as properly engrossed: Nos. 90, 91, 92, 93, 94, 96, 99, 100, 101, 102, 104, 109, 110, 111, 112, 113, 114.

C. F. STORK,
Chairman.

THIRD READING OF BILLS.

House Bill No. 105 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork. Sullivan, Taylor, Wamsley, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—63.

Noes—None.

Absent—Campbell, Clark, Gilna, Kelly, W. M., Power—5.

Title agreed to.

House Bill No. 106, was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Warren, Watkins, Whipple, White, Whiteside, Woods, Mr. Speaker—63.

Noes—None.

Absent—Campbell, Clark, Gilna, Kelly, W. M., Power—5.

House Bill No. 106, was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Buckley, Butler, Caldwell, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Greenfield. Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, O'Connor, O'Malley, Owens, Owsley Penwell, Perrine, Phillips, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Warren, Watkins, Whyte, Whiteside, Woods, Mr. Speaker—59.

Noes—None.

Absent—Bruffy, Campbell, Clark, Gilna, Kelly, W. M., Newton, Power, Ramsey, Whipple—9.

House Bill No. 107, was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Butler, Caldwell, Carroll, Clem, Cochran, Edwards, Elliott, Evans, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kennedy, Langhorne, Lindsay, Lewis, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Sanford, Shifelbin, Stephens. Stork, Sullivan, Taylor, Wamsley, Warren, Watkins, Whyte, Whiteside, Woods, Mr. Speaker—55.

Noes—None.

Absent—Bruffy, Buckley, Campbell, Clark, Dee, Gilna, Kelly, W. M., Leehey, Newton, Ramsey, Shovlin, Stanton, Whipple—13.

Title agreed to.

House Bill No. 25 was read a third time.

Wamsley announced to the House that he had paired with W. M. Kelly on all propositions pertaining to the creation of Rosebud County.

McCabe made a demand for a call of the House.

A call was had. Absentees, Lewis and Loeb, having appeared further proceedings under the call were dispensed with.

On motion of Whiteside the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called, Quorum present.

SPECIAL ORDERS.

The hour having arrived for which House Bill No. 21 was made a special order the House resolved itself into Committee of the Whole for its consideration.

Whipple in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

Your Committee on the Whole to whom was referred House Bill No. 21 beg leave to report the same back with the recommendation that it be indefinitely postponed.

WHIPPLE,
Chairman.

On motion of Clem call of the house was had.

Absent—Evans and Whiteside. Mr. Whiteside appeared in answer to his name.

On motion of Stephens a further call of the House was dispensed with.

On motion of Clem the report of the Committee of the Whole recommending the indefinite postponement of House Bill 21 was adopted by the following vote:

Ayes—Bartlett, Brown, Buckley, Caldwell, Carroll, Clark, Cochran, Dee, Elliott, Greenfield, Hewett, Hill, Langhorne, Leehey, Lindsay, Loeb, Longstaff, McCabe, McIntire, McMahon, McNally, Morgan, Morton, Newton, O'Connor, O'Malley, Owsley, Penwell, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stork, Sullivan, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—43.

Noes—Armitage, Bourne, Butler, Clem, Edwards, Hart, Hepner, Humber, Kelly, J. N., Kennedy, Lewis, Marcum. Metlen, Owens, Phillips Stephens, Taylor, Wamsley—18.

Absent—Evans Gilna, Mulville—3.

Paired—Bruffy and Campbell, W. M. Kelly and Perrine—4.

Whipple and Marcum were excused for to-morrow's session. Mr. Speaker was excused from to-morrow's session.

On motion of Clem the House adjourned.

DAVID MARKS,
Chief Clerk.

THIRTY-FOURTH DAY.

House of Representatives,
Helena, Montana, February 6, 1897.

House resumed at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Absent on leave—Campbell, Gilna, Kelly, W. M., Whipple.

Prayer by the chaplain.

Journal of Thirty-third day read and approved.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report and return House Bill No. 24, "An Act to Create the County of Broadwater, define its boundaries and provide for its organization and government," correctly enrolled.

McINTIRE,
Chairman.

Mr. Speaker announced the signing of House Bill No. 24.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment respectfuly beg leave to report House Bill No. 61 back as properly engrossed.

C. F. STORK,
Chairman.

MESSAGES FROM THE GOVERNOR.

The following communication was received:

Executive Office, Montana,
Helena, Montana, February 6, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I transmit herewith an estimate of appropriations required to maintain the Soldier's Home for the years 1897 and 1898. The items or needs are not set out separately as I have insisted should be done in each case.

Very Respectfully,
ROBERT B. SMITH,
Governor.

The communication and matters accompanying were referred to the Committee on Appropriations.

The following report was received:

Mr. Speaker:

Your Committee on Fish and Game , to whom was referred House Bill No. 207, being "An Act to Repeal Article 10, Chapter 5, of the Political Code of Montana: Being an Act entitled "Game and Fish Warden and Commission," beg leave to report that they have carefully considered the same, and do recommend that the same be indefinitely postponed.

WHITE CALDWELL,
Chairman.

On motion of Caldwell, House Bill No. 207 was indefinitely postponed.

The following report was received:

Mr. Speaker:

Your Committee on Fish and Game, to whom was referred House Bill No. 126, entitled "An Act to provide for stocking the streams of Montana with young fish," beg leave to report that we have carefully considered the same, and recommend the accompanying bill as a substitute.

WHITE CALDWELL,
Chairman.

On motion of Kennedy substitute for House Bill No. 126 was adopted and the same was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Fish and Game, to whom was referred House Bill No. 158, entitled, "An Act providing for the punishment of trespassers upon private lands, hunting, fishing or otherwise," beg leave to report the accompanying bill as a substitute for the same, and recommend that it do pass.

WHITE CALDWELL,
Chairman.

On motion of Kennedy the substitute was adopted and ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means to whom was referred House Bill No. 169, introduced by Carroll, beg leave to report the same back to the House with the recommendation that it be referred back to the introducer for correction for the reason that it is so ambiguous and disconnected that the Committee is unable to determine to what the Bill refers.

OWSLEY,
Vice-Chairman.

House Bill No. 169 was referred back to its introducer, Carroll.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration

House Bill No. 161, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed.

OWSLEY,
Vice-Chairman.

House Bill No. 161 was on motion of Woods indefinitely postponed.

The following reports were received:

Mr. Speaker:

The Ways and Means Committee to whom was referred House Bill No. 160, beg leave to report the same back to the House with the recommendation that it do pass.

OWSLEY,
Vice-Chairman.

Mr. Speaker:

Your Committee on Ways and Means to whom was referred House Bill No. 218, beg leave to report the same back to the House with the recommendation that it be printed.

OWSLEY,
Vice-Chairman.

Mr. Speaker:

Your Committee on Ways and Means having had under consideration House Bill No. 164, beg leave to report the same back to the House with the recommendation that it be printed.

OWSLEY,
Vice-Chairman.

Mr. Speaker:

Your Committee on Ways and Means to whom was referred House Bill No. 139, beg leave to report the same back to the House with the recommendation that it do pass.

OWSLEY,
Vice-Chairman.

House Bills Nos. 160, 218, 164, and 139 were ordered printed.

RESOLUTION.

Cochran introduced the following:

Mr. Chairman:

I move you sir that Speaker Kennedy be empowered to appoint seven members of this House to investigate the Missoula University, Deer Lodge Penitentiary, Insane Asylum, School of Mines, Normal School, and Orphans Home and Soldiers Home, and another Committee of seven members of the House to investigate the Eastern Penitentiary, Agricultural College, Deaf and Dumb School and Reform School.

These Committees to be appointed to-day and leave on their trip to-night.

COCHRAN.

The motion to adopt was lost.

Whyte introduced the following:

Mr. Speaker:

Whereas certain funds of the State of Montana, were deposited by the State Treasurer with the First National Bank of Helena, Montana, and Whereas, said bank has now become insolvent and is in the hands of a Receiver appointed by the National Government, and, Whereas, certain charges have been made reflecting upon the state officials, and management of the bank, therefore, be it Resolved, that the Speaker do, and is hereby authorized to appoint a special committee of three (3) members of the House, to investigate so much of the affairs of the First National Bank as interest the people of the State of Montana.

The motion to adopt was lost.

INTRODUCTION OF BILLS.

Bills were introduced and read as follows:

By Taylor:

House Bill No. 219, Bill for an Act to amend Section 1911, 1912, Article 13, Chapter 6, of Title 3, of Part 3, of the Political Code of the State of Montana, relating to examinations and certificates.

Read first and second time and referred to the Committee on Education.

By Loeb:

House Bill No. 220, Bill for an act amending Sections 411, 472, 481, 425, 446 461, 550, 875, 890, 3013 and 552 of the Political Code of the State of Montana, relative to and reducing the salaries of state officers.

Read first and second times and referred to the Committee on Ways and Means.

By Hepner:

House Bill No. 221, Bill for an Act authorizing the issuance of bonds to provide for the erection of a building for the State of Montana at the City of Helena, and providing for the payment of interest thereon, and repealing Sections 2453 and 2454 of the Political Code of Montana.

Read first and second time and referred to the Committee on Ways and Means.

By Leehey:

House Bill No. 222, Bill for an act to establish a Woman's Annex to the Soldiers Home at Columbia Falls, Montana, and to appropriate therefor sums of money herein named.

Read first and second time and referred to the Committee on Appropriations.

By Leehey:

House Bill No. 223, Bill for an Act authorizing the issuance of bonds to provide for the payment of outstanding warrants and for the erection and completion of a building for the school of mines for the State of Montana at the City of Butte, and providing for the payment of interest thereon, and repealing of sections 1584, 1600 and 1601 of the Political Code of Montana.

Read first and second times and referred to the Committee of Ways and Means.

Bills were introduced as follows:

By Bartlett:

House Bill No. 224, Bill for an act to regulate issuing of writs of attachment out of the justices of the peace courts.

Also,

House Bill No. 225, Bill for an act to protect the creditors of assignors and to regulate the duties of assignees.

By Whiteside:

House Bill No. 226, Bill for an Act to amend Sections 3560, 3561 and 3563, Article III, Title VIII., Part III., of the Political Code of the State of Montana relating to state lands.

By Stephens:

House Bill No. 227, Bill for an act to amend sections 3844, 3861, 3873, 3888, 3895 and 3913, and to repeal 3867 of the Political Code relating to revenues.

By O'Malley:

House Bill No. 228, Bill for an act to appropriate money for the relief of L. R. Peck for extra services performed as mail man of the Fourth Legislative Assembly.

By Clem:

House Bill No. 229, Bill for an act to compel corporations to pay employes at least every two weeks and to provide penalties for the violation thereof.

By Dee:

House Bill No. 230, Bill for an act to amend Section 560 of the Political Code.

By Woods:

House Bill No. 231, Bill for an act to provide for the prevention of fire and the protection of property endangered thereby in unincorporated towns and villages.

By Woods:

House Bill No. 232, Bill for an act submitting to the qualified electors of Montana a constitutional amendment prohibiting the sale of state lands and exempting for taxation improvements placed thereon.

By Elliott:

House Bill No. 233, Bill for an act to provide for the actual travelling expenses to state and county officials, witnesses and jurors, when traveling in the performance of public duties.

On motion of Hill the rules were suspended and House Bill No. 37 was taken from the General Orders and made a special order for 2 P. M., Tuesday, February 9th.

On motion of Warren the committee appointed to investigate the affairs of the State Capitol Commission, were authorized to employ Gibson to take testimony.

Langhorne was excused from attendance until Tuesdays session.

On motion of O'Malley the rules were suspended and House Bill No. 81 was taken from the General Orders and made a special order for 11 o'clock A. M. Tuesday next.

On motion of Butler the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

A pair was announced between W. M. Kelly and Whiteside on all matters pertaining to Rosebud County.

On motion of McCabe the rules were suspended and House Bill No. 25 was taken up for third reading.

Hepner moved a call of the House.

Call was had. Absent—Ramsey, White. The absentees having appeared further proceedings under the call were dispensed with.

THIRD READING OF BILLS.

House Bill No. 25 was read a third time and lost by the following vote:

Ayes—Armitage, Bartlett, Bruffy, Buckley, Cochran, Dee, Elliott, Evans, Hart, Hewett, Hill, Humber, Kelly, J. N., Kennedy, Lindsay, Lewis, Marcum, McNally, Metlen, Sanford, Stork, Wamsley, Watkins, Whyte, Woods—25.

Noes—Bourne, Brown, Butler, Caldwell, Carroll, Clark, Greenfield, Hepner, Langhorne, Leehey, Loeb, McCabe, McIntire, McMahon, Morgan, Morton, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Ramsey, Shifelbin, Shovlin, Stanton, Stephens, Sullivan, Taylor, Warren, Mr. Speaker—33.

Absent—Clem, Gilna, Mulville, Whipple—4.

Paired—Campbell, Edwards, Kelly, W. M., Longstaff, Power, Whiteside—6

McCabe gave notice that he would on Monday move a reconsideration of the vote by which House Bill No. 25 was lost.

On motion of Powers the House adjourned until 2 P. M. on Monday next.

DAVID MARKS,

Chief Clerk.

THIRTY-SIXTH DAY.

House of Representatives,
Helena, Montana, February 8, 1897.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the Thirty-fourth day read and approved.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 64, "A Bill for an Act concerning the liability of railroad companies for injuries to their employees," introduced by Penwell, beg leave to report that we have carefully examined the same, and recommend that it do pass.

LEEHEY,
Chairman.

House Bill No. 64 was ordered printed.

The following report was received:

We, your Committee on Judiciary, to whom was referred House Bill No. 180, "A Bill for an Act to amend Chapter III., of Title IX., of Part I. of the Penal Code of the State of Montana, by adding thereto a section prohibiting the use, sale, keeping or offering for sale, or providing or administering any medicine, drug, substance, instrument or means for preventing conception," introduced by Carroll, beg leave to report that we recommend that the section numbered 484 in said bill be stricken out, and that the bill as amended be ordered printed.

Section 484 is as follows:

"Every teacher in the public schools in the State of Montana shall acquire a knowledge of the questions in this act and shall be required to teach the same in the higher classes of said schools."

LEEHEY,
Chairman.

Mr. Speaker:

The undersigned, being a minority of the Committee on Judiciary, beg herewith to submit a minority report as follows: On the House Bill No. 180, introduced by Carroll, and recommend that the same be ordered printed as it is presented and placed on general orders.

H. S. HEPNER,
GEO. H. STANTON,
ALBERT I. LOEB,
Members of the Judiciary Committee.

On motion of Penwell House Bill No. 180 and the majority and minority report accompanying the same, were made a special order for 7 P. M. Tuesday, February 9th.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 197, "A Bill for an Act appropriating money for the payment of the claim of George A. Leekley, account clerk to State Auditor, during the year 1896," introduced by Penwell, beg leave to report that we have had the same under consideration, and recommend that it do pass.

We also have had under consideration House Bill No. 176, " A Bill for an Act appropriating money for the payment of the claim of W. R. Dwyer, account expenses incurred in the transporting of prisoners to the Penitentiary during the year 1896," introduced by the Committee on Appropriations, and beg leave to report that we have carefully considered the same and recommend that it do pass.

We also beg leave to report that we have carefully considered House Bill No. 144, "A Bill for an Act to amend Section 394 of the Code of Civil Procedure of the State of Montana, relating to the admission to practice of attorneys at law from other states or countries," introduced by O'Connor, and we recommend that the same do pass.

We, your Committee, have carefully considered House Bill No. 167, "A Bill for an Act to cure defects in deeds heretofore made to real property that are defective in execution, and to cure defects in judicial sales of real property and sales of property by executors, administrators and guardians," introduced by Hepner, and we recommend that the same do pass.

We have also carefully examined House Bill No. 145, "A Bill for an Act to amend Section 182 of the Code of Civil Procedure of the State of Montana, relating to certain private business interests of judicial and court officers," introduced by Kennedy of Deer Lodge, and have amended the same by striking out the word "judicial" in the second line of Section 182 as amended, and substituting in lieu thereof the words "state, county, or township," and recommend that the same as amended do pass.

We have also carefuly considered House Bill No. 205, "A Bill for an Act to amend Section 181, of Chapter 3, of Title 2, of the Code of Civil Procedure of the State of Montana, and to amend the title of said Chapter," introduced by Owsley, and believe the same to be desirable legislation and recommend that it do pass.

We have also had under consideration Senate Bill No. 21, "A Bill for an Act to repeal Section 925, Code of Civil Procedure, relating to attachment or garnishment of money or credit in the possession or under the control of a public officer, corporation or board," introduced by Sligh, and we respectfully recommend that the House concur in the passage of this act.

LEEHEY,
Chairman.

House Bills Nos. 197, 176, 144, 167, 145, 205 were ordered printed.

Senate Bill No. 21 was placed upon General Orders.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 33, "An Act relating to liability of employers to make compensation for personal injuries suffered by employes in their service," introduced by Lewis, beg leave to report that we have had the same under consideration, and herewith present a substitute therefor with the recommendation that the substitute be adopted and that the same do pass.

LEEHEY,
Chairman.

On motion of Leehey the substitute was ordered printed.

The following report was received:

Mr. Speaker.

Your Committee on Ways and Means to which was referred House Bill No. 30, which would require the election of the Boiler Inspector and his deputy instead of their appointment as at present, has directed me to report the Bill with the recommendation that it be indefinitely postponed.

GEORGE L. RAMSEY,
Chairman.

On motion of Sanford House Bill No. 30 was ordered printed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 179, "A Bill for an Act to provide for the erection of a State Capitol building for the State of Montana, and to amend Section 2440, Article 2, Chapter 4, Title 5, of the Civil Code of Montana," introduced by Watkins, desire to report the same back to the House with the recommendation that it be referred to the Committee on Ways and Means.

LEEHEY,
Chairman.

House Bill No. 179, was referred to Committee on Ways and Means.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 10, "A Bill for an Act to amend Section 895 of Chapter IV., of Title VII., of Part II, of the Code of Civil Procedure of the State of Montana, relating to the manner of levying attachments upon real and personal property," introduced by Leehey, beg leave to report a substitute therefor, and recommend that the substitute be adopted that it be immediately placed on general orders and that the same do pass.

LEEHEY,
Chairman.

The Substitute for House Bill No. 10 was adopted and placed on General Orders.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 165, "A Bill for an Act to amend Section 2961, Title I., Vol. 2, Penal Code, relating to the employment of convicts," introduced by Clem. beg leave to refer the same back to the House with the recommendation that it be printed.

LEEHEY,
Chairman.

House Bill No. 165 was ordered printed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred Senate Bill No. 32, "A Bill for an Act to amend Section 1012, Political Code of Montana as to time for filing oath of office," introduced by Sligh, beg leave to report that we find that the legislation attempted to be enacted by this measure is more satisfactorily treated in another bill, which has passed through this Committee and is now ready for the consideration of your honorable body. We refer to House Bill No. 115, which we have recommended for passage. We therefore recommend that the further consideration of Senate Bill No. 32 be indefinitely postponed.

LEEHEY,
Chairman.

On motion of Greenfield House Bill No. 32 was indefinitely postponed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 177, "A Bill for an Act relating to trials by jury in criminal cases in justices and police courts," introduced by Stephens, and House Bill No. 195, "A Bill for an Act to repeal Section 5036 of the Political Code of the State of Montana, relating to liability of municipal corporations for injuries done by mobs, introduced by Morton, and House Bill No. 204, "A Bill for an Act relating to public improvements in cities and towns and repealing Sections 4817 to 4830 and 4880 to 4899 of the Political Code of Montana," introduced by Hepner, beg leave to report the same back to this House with the recommendation that they be printed and placed on general orders.

LEEHEY,
Chairman.

House Bills Nos. 177, 195, 204, were ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Agriculture and Stock Growing to whom was referred Senate Bill No. 18, relating to a levy for a "Stock Detective and Inspector Fund," having had the same under consideration, have unanimously agreed to report same back, with a recommendation that it do pass.

BROWN,
Chairman.

Senate Bill No. 18 was placed on General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report the following as properly engrossed. Substitute for House Bill No. 1 and House Bill No. 74.

STORK,
Chairman.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills numbered 32, 95, 122, 137, 183 and 189 beg leave to report that the same have been properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 32, 95, 122, 137, 183 and 189 were placed on General Orders.

House Bill 169 was reported back by Carroll and ordered printed.

Pairs were announced on the proposition of House Bill No. 25, as follows:

Ramsey with Humber; Langhorne with Metlen; Morgan with Marcum; Kelly, W. M., with Whiteside; Bourne with Clem; Kennedy with Bartlett; Clark with Lewis; Hart with Shovlin; Power with Campbell.

McCabe pursuant to notice, given at Saturday's session moved a reconsideration of the vote by which House Bill No. 25 was lost.

Shifelbin moved to lay the motion to reconsider on the table.

A call of the House was demanded. Call was had. Absent—O'Malley. Whipple.

On motion further proceedings under the call was dispensed with.

The motion of Shifelbin that the motion to reconsider House Bill No. 25 be laid on the table was lost by the following vote:

Ayes—Brown, Butler, Caldwell, Gilna, Greenfield, Hepner, Leehey, Loeb, McIntire, McMahon, Morton, Newton, O'Connor, Owens Owsley, Penwell, Shifelbin, Stanton, Stephens, Sullivan, Taylor, Warren, Whipple, Whyte—24.

Noes—Armitage, Bruffy, Buckley, Carroll, Cochran, Dee, Edwards, Elliott, Evans, Hewett, Hill, Kelly, J. N., Kennedy, Lindsay, Longstaff, McCabe, McNally, Mulville, Perrine, Phillips, Sanford, Stork, Wamsley, Watkins, Woods —25.

Absent—O'Malley—1.

Paired—Bartlett, Bourne, Campbell, Clark, Clem, Hart, Humber, Kelly, W. M., Langhorne, Lewis, Marcum, Metlen, Morgan, Power, Ramsey, Shovlin, Whiteside, Mr. Speaker—18.

On motion of Butler further consideration of House Bill No. 25 was made a special order for 7:30 this evening.

NOTICES OF THE INTRODUCTION OF BILLS.

Notices of bills to be introduced were given as follows:

By Dee:

Bill for an Act to amend Section 1598 of the Political Code of the State of Montana, relating to the equipment and furnishing of the School of Mines with supplies and apparatus and fixing the amount to be expended therefor.

By Butler:

Bill for an act to amend Section 2643 of Part 3, Title 6, chapter 2, Article 4. of the Politcal Code, relative to highway or road taxes.

By Phillips:

Bill for an act to amend Section 2640, Chapter 2, Article 4, Part 3, of the Political Code relating to road taxes, and section 2660, Chapter 2, Article 5, Part 3, of the Political Code relating to road supervisors.

By Gilna:

Bill for an act to amend Section 1910 of the Penal Code relating to setting aside an indictment.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Carroll:

House Bill No. 233, Bill for an act creating a Bureau of Medical Examiners of Inmates of Houses of Prostitution and defining the duties thereof.

By Bourne:

House Bill No. 234, Bill for an act to amend Section 1187, Chapter 2, Title 15, of the Penal Code of Montana, relating to driving and dogging of stock on the range.

By Bartlett:

House Bill No. 236, Bill for an act to abolish the office of coroner, and to provide for the performance of the duties heretofore performed by the coroner.

By Leehey:

House Bill No. 235, Bill for an act to amend section 4642, of Chapter 4, of Title 2, of Part 4, of the Political Code of the State of Montana, relating to the fees of justices of the peace.

By Armitage:

House Bill No. 237, Bill for an act requiring individuals, companies or corporations selling water to provide suitable gates or devices for the lawful measurement of water sold.

By Clark:

House Bill No. 238, Bill for an act appropriating money for the payment of the claim of P. H. Foster, C. D. French and J. V. Jerome, for services rendered the state in the year 1895, account extra compensation for taking care of books, etc., as secretary of senate, assistant chief clerk of the House of Representatives and journal clerk of senate Fourth Legislative Assembly.

By Committee on Appropriations:

House Bill No. 239, Bill for an act to appropriate money for the payment of the claim of Fred Whiteside, balance due on contract for construction of the Soldiers' Home.

Also,

House Bill No. 240, Bill for an act to appropriate the sum of five thousand dollars for sundry expenses incurred by the House of Representatives and the Senate of the Fifth Legislative Assembly.

Also,

House Bill No. 241, Bill for an act to appropriate money for the payment of the claimsof certain persons, account reward for the capture of La La See and Pierre Paul.

By Stanton:

House Bill No. 242, Bill for an act to repeal Article 1, Chapter 1, Title 5, Part 3, of the Political Code of Montana, relating to the insane asylum and to provide for a Board of Commissioners for the insane, and to prescribe the powers and duties of such Board.

By Buckley:

House Bill No. 243, Bill for an act authorizing the issuance of bonds for the payment of all oustanding Deaf and Dumb Building Warrants, etc.

By Judiciary Committee:

House Bill No. 244, Bill for an act to amend Section 1897 of the Code of Civil Procedure of the State of Montana, relating to the time within which an act is to be done, may be extended.

Also,

House Bill No. 245, Bill for an act to amend Section 2613 of the Political Code of the State of Montana, realting to fees for issuance of naturalization papers.

Also,

House Bill No. 246, Bill for an act to amend Sections 3550 and 3360 of the Code of Civil Procedure of the State of Montana, relating to the manner of taking the testimony of absent witnesses.

Also,

House Bill No. 247, Bill for an act to amend Sections 320 and 321 of the Code of Civil Procedure of the State of Montana, relating to grand juries.

By Perrine:

House Bill No. 246, Bill for an act to amend 4120 of the Political Code concerning the boundaries of Fergus county and locating the county seat of said county.

By Buckley:

House Bill No. 249. Bill for an act to protect human life in underground mining.

House Bills Nos. 224 and 225 were read first and second time and referred to Committee on Judiciary.

House Bill No. 234 was read first and second time and was objected to by Greenfield.

The question being put shall this bill be rejected, the motion prevailed and the bill was so rejected.

House Joint Resolution No. 2 introduced by Whyte, was on motion of Longstaff laid upon the table.

On motion of Shifelbin the House took a recess until 7:30 P. M.

EVENING SESSION.

7:30 P. M

House resumed.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

McIntire moved to indefinitely postpone the motion to reconsider the vote on which House Bill No. 25 was lost.

Pairs were announced as follows on the Rosebud bill.

Sanford with Stanton; Evans with Dee; Wamsley with McMahon.

Cochran moved that further consideration of House Bill No. 25 be made a special order for 9:45 A. M. to-morrow.

Motion lost by the following vote:

Ayes—Armitage, Bruffy, Buckley, Carroll, Cochran, Elliott, Hewett, Hill, Kelly, J. N., Kennedy, Lindsay, Longstaff, McCabe, McNally, Metlen, Mulville, Perrine, Phillips, Stephens, Stork, Wamsley, Watkins, Wood—23.

Noes—Brown, Butler, Caldwell, Edwards, Gilna, Greenfield, Hepner, Leehey, Loeb, McIntire, McMahon, Morton, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Shifelbin, Sullivan, Taylor, Warren, Whipple—23.

Absent—Whyte—1.

Paired—Bartlett, Bourne, Campbell, Clark, Clem, Dee, Evans, Hart, Humber, Kelly, W. M., Langhorne, Lewis, Marcum, Morgan, Power, Ramsey, Sanford, Shovlin, Stanton, Whiteside, Mr. Speaker—22.

Pair were announced between Cochran and Whipple and Leehey and Elliott, on all matters pertaining to Rosebud County Division.

Call of the House was demanded, Call was had. Absent—Whyte.

On motion of Stanton the House adjourned.

DAVID MARKS.
Chief Clerk.

THIRTY-SEVENTH DAY.

House of Representatives,
Helena, Montana, February 9, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Thirty-sixth day read and approved.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Committee on Appropriations:

House Bill No. 250, Bill for an act appropriating money for the payment of the claims of certain persons, companies or corporations, account fees illegally collected during the year 1896.

By Clem:

House Bill No. 251, Bill for an act to prevent one industry in the hands of large owners from destroying another industry in the hands of small owners.

By Dee:

House Bill No. 252, Bill for an act to amend Section 1598 of the Political Code, relating to the equipment and furnishing of the School of Mines with supplies and apparatus, and fixing the amount to be expended therefor.

By Butler:

House Bill No. 253, Bill for an act to amend Section 2643 of Part 3, Title 6, Chapter 2, Article 4 of the Political Code.

By Phillips:

House Bill No. 254, Bill for an act to amend Section 2640 of Chapter 2, Article 4, Part 3, of the Political Code relating to road taxes, and section 2660, Chapter 2, Article 5, part 3, of the Political Code relating to road supervisors.

By Carroll:

House Bill No. 255, Bill for an act amending Sections 1354 and 1361 of the Political Code, relating to ballots and voting at elections.

REFERENCE OF BILLS TO COMMITTEES.

House Bills Nos. 226 and 232 were read first and second time and referred to Committee on State Lands.

House Bills No. 227, 230 and 233 were read first and second time and referred to Committee on Ways and Means.

House Bill No. 228 was read first and second time and referred to Committee on Appropriation.

House Bills Nos. 229 and 236 were read first and second time and referred to Committee on Judiciary.

House Bill No. 231 was read first and second time and referred to Insurance Committee.

House Bill No. 235 was read first and second time and referred to Committee on Agriculture and Stock Growing.

SPECIAL ORDERS.

The hour of 11 A. M. having arrived for which House Bill No. 81 was made a special order the House resolved itself into Committee of the Whole for its consideration.

Humber in the chair.

House resumed.

Mr. Speaker in the chair.

Humber was granted time in which to report.

REFERENCE OF BILLS TO COMMITTEES.

House Bill No. 237 was read first and second time and referred to Ways and Means Committee.

House Bill No. 238 was read first and second time and referred to Committee on Irrigation and Water Rights.

House Bill No. 239 was read first and second time and referred to Committee on Appropriation.

House Bill Nos. 240, 241 and 242 were read first and second time and ordered printed.

House Bill No. 243 was read first and second time and referred to Committee on Mines and Mining.

House Bill No. 244 was read first and second time and referred to Committee on Public Institutions.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report that we have delivered

House Bill No. 24, An Act to create the County of Broadwater, define its boundaries and provide for its organization and government," to His Excellency the Governor, at the hour of 10:55 February 9th for his approval.

McINTIRE,
Chairman.

On motion of McCabe the House took a recess until 1:30 P. M.

AFTERNOON SESSION.

1:30 P. M.
House resumed.
Mr. Speaker in the chair.
Roll called, quorum present.

REFERENCE OF BILLS TO COMMITTEES.

House Bills Nos. 245, 246, 247, 248, and 250 was read first and second time and ordered printed.

House Bill No. 249 was read first and second time and referred to the Committee on Towns and Counties.

House Bill No. 251 was read first and second time and referred to the Committee on Agriculture and Stock Growing.

House Bill No. 252 was read first and second time and referred to the Committee on Appropriation.

House Bill No. 253 was read first and second time and referred to the Committee on Judiciary.

SPECIAL ORDERS.

The hour of 2:00 P. M. having arrived for which House Bill No. 37 had been made a special Order the House resolved itself into Committee of the Whole for its consideration.

Stanton in the Chair.
House resumed.
Mr. Speaker in the chair.

MESSAGES FROM THE GOVERNOR.

The following communication was received:

Executive Office,
Helena, Montana, February 9, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have this day approved and signed

House Bill No. 24, being an Act entitled: "An Act to create the County of Broadwater define its boundaries and provide for its organization and government,"

Respectfully,
ROBT. B. SMITH,
Governor.

The House again resolved itself into a Committee of the Whole for the further consideration House Bill No. 37.

Stanton in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Loeb the rules were suspended and Mrs. Ella Knowles Haskell, was granted the privilege of the floor in Committee of the Whole to ad dress the Committee on House Bill No. 37, by the following vote:

Ayes—Armitage, Bartlett, Bourne, Bruffy, Buckley, Butler, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Greenfield, Hepner, Hewett, Hill, Kelly, J. N., Langhorne, Lindsay, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, Morton, Mulville, Newton, O'Malley, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Stephens, Stork, Taylor, Wamsley, Watkins, Whyte, Mr. Speaker—44.

Noes—Brown, Caldwell, Campbell, Gilna, Hart, Kelly, W. M., Kennedy, Leehey, Lewis, Metlen, Morgan, O'Connor, Owens, Shifelbin, Shovlin, Stanton, Woods—17.

Absent—Clark, Humber, McNally, Sullivan, Warren, Whipple, Whiteside —7.

House resumed.

Mr. Speaker in the chair.

On motion of Campbell Miss Serepta Sanders was granted the privilege of the floor in Committee of the Whole by the following vote:

Ayes—Armitage, Bartlett, Bourne, Bruffy, Butler, Caldwell, Campbell, Carroll, Clem, Cochrane, Dee, Edwards, Elliott, Evans, Hepner, Hewett, Hill, Humber, Kelly, J. N., Langhorne, Leehey, Lindsay, Loeb, Longstaff, Marcum, McIntire, Morton Mulville, Newton, O'Malley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Stephens, Stork, Taylor, Watkins, Whipple, Whyte—43.

Noes—Brown, Clark, Gilna, Greenfield, Hart, Kelly, W. M., Kennedy, McMahon, McNally, O'Connor, Owens, Shovlin, Stanton, Sullivan, Wamsley, Warren, Woods, Mr. Speaker—18.

Absent—Buckley, Lewis, McCabe, Metlen, Morgan, Owsley, Whiteside—7.

House again resolved itsef into Committee of the Whole for the consideration of House Bill No. 37.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

The Committee of Whole to whom was referred House Bill No. 37, report the same back with the recommendation that it do pass.

STANTON,
Chairman.

On motion of Shifelbin the report was adopted and House Bill No. 37 was ordered engrossed.

Campbell moved that the rules be suspended and House Bill No. 37 be considered engrossed and placed upon its final passage.

The motion was lost by the following vote:

Ayes—Bourne, Brown, Caldwell, Campbell, Clark, Cochran, Dee, Gilna, Greenfield, Hart, Humber, Kelly, W. M., Kennedy, Langhorne, Leehey, McIntire, McMahon, McNally, Metlen, Morgan, Newton, O'Connor, Owens, Owsley, Phillips, Ramsey, Shifelbin, Shovlin, Stanton, Sullivan, Wamsley, Warren, Whipple, Woods, Mr. Speaker—35.

Noes—Armitage, Bartlett, Bruffy, Butler, Carroll, Clem, Edwards, Elliott, Evans, Hepner, Hewett, Hill, Kelly, J. N., Lindsay, Lewis, Loeb, Longstaff, Marcum, McCabe, Morton, Mulville, O'Malley, Penwell Perrine, Power, Sanford, Stephens, Stork, Taylor, Watkins, Whyte—32.

Absent—Whiteside—1.

On motion of Butler the House took a recess until 7 P. M.

EVENING SESSION.

7 P. M.

House resumed.

Mr. Speaker in the chair.

SPECIAL ORDERS.

The hour having arrived for which House Bill No. 180 was made a special order, it was taken up for consideration.

On motion of Hepner the majority report recommending it be printed as originally introduced was adopted and House Bill No. 180 was ordered printed

On motion of Hepner the rules were suspended House Bill No. 180 was considered printed the House then went into Committee of the Whole for its consideration.

Shifelbin in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

The Committee of the Whole to whom was referred House Bill No. 180 and recommend the same be indefinitely postponed.

WM. SHIFELBIN,
Chairman.

On motion of Whiteside the report was adopted and House Bill No. 180 was indefinitely postponed.

On motion of Cochran the House adjourned.

DAVID MARKS,
Chief Clerk.

THIRTY-EIGHTH DAY.

House of Representatives,
Helena, Montana, February 10, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Thirty-seventh day read and approved.

By unanimous consent Carroll was allowed to withdraw House Bill No. 255.

The following report was received:

Mr. Speaker:

The Committee of the Whole, to whom was referred House Bill No. 81, as a special order of business for 11 A. M. Tuesday, February 9th, have had the same under consideration and we report it back with the following amendment and as so amended recommend that it do pass.

HUMBER,
Chairman.

On motion of Kennedy the amendments to House Bill No. 81 were adopted and the bill was ordered engrossed as amended.

Humber was excused from further attendance during the day.

PETITIONS.

A petition was presented by Langhorne from residents of East Helena praying for the passage of House Bill No. 28.

NOTICES OF INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Langhorne:

A Bill for an Act to create the County of Terry, to define its boundaries and provide for its organization.

By Kelly, J. N.

A Bill for "An Act to amend Section 683, Chapter 1, Title 4 of the Political Code of the State of Montana providing for the manner in which adequate insurance may be had by those engaged in ranching."

By McCabe:

A Bill repealing Sections 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776 and 777 of the Political Code of Montana.

By Bartlett:

A Bill entitled "An Act to amend Sections 4740 and 4741 and 4748 Article II, Chapter III, of the Political Code of the State of Montana."

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills numbered 62, 188 and 136, beg leave to report that the same have been properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 62, 188 and 136 were placed on General Orders.

The following reports were received:

Mr. Speaker:

Your Committee on Insurance to whom was referred House Bill No. 38, introduced by Leehey, relating to "Licensing Insurance Companies" recommend that the same be indefinitely postponed.

E. J. POWER,
Acting Chairman.

Mr. Speaker:

Your Committee on Insurance to whom was referred House Bill No. 124, introduced by McCabe, relating to "Fees of Public Officers" recommend that the same be indefinitely postponed.

E. J. POWER,
Acting Chairman.

Mr. Speaker:

Your Committee on Insurance, to whom was referred House Bill No. 11, introduced by Mulville, relating to "Licensing Insurance Companies," recommend that the same be indefinitely postponed.

E. J. POWER,
Acting Chairman.

On motion of Greenfield, House Bill No. 38 was indefinitely postponed.

On motion of Lindsay House Bill No. 124 was indefinitely postponed.

On motion of Phillips House Bill No. 11 was indefinitely postponed.

The following report was received:

Mr. Speaker:

Your Committee on Internal Improvements, to which was referred House Bill No. 215, being "An Act entitled an Act to prevent vicious dogs running at large, and fixing a penalty for the violation thereof," having had the same under consideration, beg leave to report it back to the House with the recommendation that it be indefinitely postponed.

BUCKLEY,
Chairman.

On motion of Clem House Bill No. 215 was indefinitely postponed.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means having had under consideration House Bill No. 146, a Bill for "An Act to permit foreign surety Companies to do business in this State, and regulating the method thereof," respectfully report the same back with a substitute in lieu thereof, and recommend that the substitute do pass.

Respectfully,
OWSLEY,
Vice-Chairman.

On motion of Lindsay the Substitute to House Bill No. 146 was adopted and Substitute was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 37 as correctly engrossed.

Respectfully,
C. F STORK,
Chairman.

Mr. Speaker:

Your Committee on Internal Improvements, to whom was referred House Bill No. 209, being "A Bill for an Act to more fully provide for the protection of human life and property by reason of the defective construction or maintenance of dams and reservoirs, and to amend Chapter 24, of the Political Code, relating to dams and reservoirs by adding thereto Sections 3454, 3455, 3456, 3457, 3458, 3459, 3460 and 3461, having had the same under consideration, beg leave to report it back to the House with the recommendation that it do pass.

BUCKLEY,
Chairman.

Mr. Speaker:

Your Committee on Incorporations and Manufactures, having had under consideration House Bill No. 141, being "An Act providing for incorporation, operation and management of co-operative associations," introduced by Loeb, beg leave to return the same with the recommendation that it do pass.

ELLIOTT,
Chairman.

House Bills Nos. 209 and 141 were ordered printed.

The following report was received:

Mr. Speaker:

We the Committee on Labor having had under consideration House Bill No. 211, viz: An Act to amend Section 2960, Part III, Title I of the Penal Code of the State of Montana," Present the following substitute and recommend that it do pass.

McNALLY,
Chairman.

On motion of Carroll substitute to House Bill No. 211 was adopted and the same was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Railroads and Transportation, to which was referred House Bill No. 149, being "A Bill for an Act entitled an Act to amend Section 712 of the Penal Code of Montana," having had the same under consideration, beg to report it back to the House with the recommendation that it do pass.

W. A. CLARK,
Chairman.

House Bill No. 49 was ordered printed.

House Bill No. 70 was taken from the General Orders and placed on the calendar for third reading.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Committee on Insurance:

House Bill No. 258, A Bill for "An Act to provide for the licensing of Insuranec Companies, Associations and Societies, doing business in this State.

Read first and second time and referred to Committee on Ways and Means.

By Carroll:

House Bill No. 257, An Act providing for the assessment and taxation of franchises for construction and operation of street and suburban railways and electric light and power plants.

Read first and second time and referred to Committee on Affairs of cities.

REFERENCE OF BILLS TO COMMITTEES.

House Bill No. 254 was read first and second time and referred to Judiciary Committee.

House Bill No. 256 was read first and second time and referred to Committee on State Institutions and Public Buildings and Grounds.

House Bill No. 257 was read first and second time and referred to Committee on Affairs of Cities.

STATE LAW LIBRARY

House Bill No. 258 was read first and second time and referred to Ways and Means Committee.

On motion of Elliott the message of the Governor, relating to the overpayment of mileage to members was referred to a special committee consisting of Elliott, Metlen, Brown, Clark, Langhorne, with instructions to report as soon as possible.

MESSAGES FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, February 9th, 1897.

Mr. Speaker:

I am directed by the Senate to inform you that the following bills were introduced:

By Hoffman by request:

Senate Bill No. 83, A Bill for an Act to amend Section 702 of the Political Code relating to the manufacture and sale of adulterated candy.

By Chandler by request:

Senate Bill No. 84, A Bill for an Act to more fully protect the lives and property of persons by reason of the defective construction of dams and reservoirs, and to amend Chapter 24 of the Political Code relating to dams and reservoirs by adding thereto Sections 3454 to 3461 inclusive.

By Chandler:

Senate Bill No. 85, A Bill for an act to repeal Section 3698 of the Political Code relating to the appointment of a Board of Real Estate Appraisers, and defining its powers and duties.

The following notices of the introduction of bills were read:

A bill for an Act forbidding discrimination in charges by corporations fulfilling public functions.

METZEL.

A Bill for an act to amend Section 3203 of the Political Code of the State of Montana.

CHANDLER,

House Bill No. 50 was concurred in as amended. Said amendments are attached to the Bill, which is herewith transmitted, and your concurrence in said amendments is respectfully requested.

Yours respectfully,
JOHN BLOOR,
Secretary of Senate.

Clem moved that we do not concur in amendments to House Bill No. 250.

Stanton moved the previous question.

On motion of Shifelbin the House took a recess until 1:30 P. M.

AFTERNOON SESSION.

1:30 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

The motion of Clem that the House do not concur in Senate amendments to House Bill No. 50 was carried.

RESOLUTION.

Cochran introduced the following:

I move you sir that the speaker appoint two members of the house to concur with one of the Senate to investigate a certain institution the committee to leave to-night. This committee to have full power to subpoena and swear witnesses.

On motion the resolution was adopted and the chair appointed in conformity therewith Cochran and Longstaff.

THIRD READING OF BILLS.

House Bill No. 61 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—61.

Noes—None.

Absent—Bruffy, Buckley, Hart, Lewis, Morgan, Phillips, Warren—7.

Title agreed to.

Substitute for House Bill No. 17 was read a third time and pased by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Taylor, Wamsley, Watkins, Whipple, Whyte, Whiteside, Woods—59.

Noes—Hewett, Sullivan, Mr. Speaker—3.

Absent—Bruffy, Buckley, Hart, Lewis, Morgan, Warren—6.

Title agreed to.

House Bill No. 113 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Butler, Caldwell, Campbell, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shovlin, Stanton, Stephens, Sullivan, Taylor, Wamsley, Watkins, Whipple, Whyte, Woods, Mr. Speaker—59.

Noes—None.

Absent—Bruffy, Buckley, Clark, Lewis, Morgan, Shifelbin, Stork, Warren, Whiteside—9.

Title agreed to.

House Bill No. 114 was read a third time and passed by the following vote:

Ayes—Bourne, Brown, Butler, Caldwell, Clem, Dee, Greenfield, Hart, Hepner, Hill, Humber, Kelly, W. M., Kennedy, Langhorne, Leehey, Loeb, Longstaff, Marcum, Metlen, Morgan, O'Connor, Penwell, Perrine, Phillips, Power, Ramsey, Shovlin, Stanton, Stephens, Sullivan, Taylor, Wamsley, Watkins, Woods—34.

Noes—Armitage Bartlett, Buckley, Carroll, Edwards, Elliott, Evans, Gilna Hewett, Kelly, J. N., Lindsay, McCabe, McMahon, McNally, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Sanford, Shifelbin, Stork, Whyte, Mr. Speaker—25.

Absent—Bruffy, Campbell. Clark, Cochran, Lewis, McIntire, Warren, Whipple, Whiteside—9.

Title agreed to.

House Bill No. 74 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Buckley, Butler, Caldwell, Carroll, Clem, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hewett, Hill, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton. O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Sanford. Shifelbin, Shovlin, Stanton, Stephens, Sullivan, Taylor, Wamsley, Watkins, Whyte, Woods, Mr. Speaker—49.

Noes—Bourne, Hart, Humber, Kelly, W. M., Marcum—5.

Absent—Bruffy, Campbell, Clark, Cochran, Hepner, Lewis, Loeb, McCabe, McIntire, Ramsey, Stork, Warren, Whipple, Whiteside—14.

Title amended by adding after the words act in first line "for the repeal of Section 350, Chapter 3 Article 2, of Political Code also Article 15 of Chapter 3 of Political Code and"

House Bill No. 108 was read third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Buckley, Caldwell, Clem, Cochran, Dee, Elliott, Evans, Greenfield, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Sanford, Shovlin, Stanton, Stork, Taylor, Wamsley, Woods—40.

Noes—Carroll Edwards, Gilna, Lindsay, Marcum, McMahon, Shifelbin, Sullivan, Watkins, Whyte, Mr. Speaker—11.

Absent—Bruffy, Butler, Campbell, Clark, Humber, Lewis, Loeb, Longstaff, McCabe, McIntire, O'Connor, Penwell, Ramsey, Stephens, Warren, Whipple, Whiteside—17.

Title agreed to.

House Bill No. 94 was read a third time and lost by the following vote:

Ayes—Armitage, Bourne, Brown, Caldwell, Clark, Clem, Cochran, Dee, Hart, Hepner, Kennedy, Langhorne, Metlen, Morgan, Phillips, Power, Stanton, Taylor, Woods—19.

Noes—Bartlett, Buckley, Campbell, Edwards, Elliott, Evans, Gilna, Greenfield, Hewett, Hill, Kelly, J. N., Kelly, W. M., Leehey, Lindsay, Longstaff, Marcum, McMahon, McNally, Morton, Mulville, Newton, O'Mally, Owens, Owsley, Perrine, Sanford, Shifelbin, Shovlin, Stephens, Stork, Sullivan, Wamsley, Watkins, Whyte, Mr. Speaker—35.

Absent—Bruffy, Butler, Carroll, Humber, Lewis, Loeb, McCabe, McIntire, O'Connor, Penwell, Ramsey, Warren, Whipple, Whiteside—14.

Title agreed to.

House Bill No. 100 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Buckley, Clem, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, McMahon, McNally, Metlen, Morgan, Morton, Mulville, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork Sullivan, Taylor, Wamsley, Warren, Watkins, Whyte, Woods—48.

Noes—None.

Absent—Bruffy, Butler, Caldwell, Campbell, Carroll, Clark, Cochran, Hepner, Humber, Lewis, Loeb, McCabe McIntire, Newton, O'Connor, Penwell, Ramsey, Whipple, Whiteside, Mr. Speaker—20.

Title agreed to.

House Bill No. 101 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Caldwell, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Greenfield, Hart, Hepner, Hill Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Mulville, O'Malley Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Taylor, Wamsley, Warren, Watkins, Whipple, Whyte, Woods—51.

Noes—Campbell, Carroll, Gilna, Morton—4.

Absent—Bruffy, Buckley, Butler, Hewett, Lewis, Loeb, Longstaff, McCabe, Newton, O'Connor, Sullivan, Whiteside, Mr. Speaker—13.

House Bill No. 109 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Buckley, Butler, Caldwell, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly W. M., Kennedy, Langhorne, Leehey, Longstaff, Marcum, McMahon, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Taylor, Wamsley, Watkins, Whipple, Woods—52.

Noes—Campbell, Lindsay, Loeb, Perrine—4.

Absent—Bruffy, Clark, Greenfield, Lewis, McCabe, McIntire, McNally, Sullivan, Warren, Whyte, Whiteside, Mr. Speaker—12.

Title agreed to.

House Bill No. 104 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Buckley, Butler, Caldwell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly J. N., Kelly, W. M., Kennedy, Leehey, Lindsay, Loeb, Longstaff, Marcum, McMahon, Metlen, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifebin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Watkins, Whipple, Whyte, Whiteside, Woods—57.

Noes—Campbell—1.

Absent—Bruffy, Gilna, Langhorne, Lewis, McCabe, McIntire, McNally, O'Connor, Warren, Mr. Speaker—10.

Title agreed to.

House Bill No. 102 was read a third time and passed by the following vote:

Ayes—Armitage, Bourne, Brown, Buckley, Butler, Caldwell, Carroll, Clem Cochran, Dee, Edwards, Elliott, Evans, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly. W. M. Kennedy, Loeb, Longstaff, Marcum, McMahon, Metlen, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Watkins, Whipple, Whyte, Woods—52.

Noes—Bartlett, Lindsay—2.

Absent—Bruffy, Campbell, Gilna, Clark, Langhorne, Leehey, Lewis, McCabe, McIntire, McNally, O'Connor, Warren, Whiteside, Mr. Speaker—14.,

Title agreed to.

House Bill No. 91 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Butler, Caldwell, Campbell, Carroll, Clem, Cochran, Dee, Edwards, Greenfield, Hart, Hepner, Hewett, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Leehey, Lindsay, Marcum, McMahon, Metlen, Morgan, Morton, Owens, Penwell, Perrine, Phillips, Power, Ramsey, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley—40.

Noes—Buckley, Elliott, Evans, Gilna, Loeb, Longstaff, Morton, Mulville, O'Malley, Owsley, Sanford, Shifelbin, Shovlin, Watkins, Whipple, Whyte—16

Absent—Bruffy, Hill, Langhorne, Lewis, McCabe, McIntire, O'Connor, Warren, Whiteside, Woods, Mr. Speaker—11.

Title agreed to.

McMahon gove notice that he would move a reconsideration of the vote by which House Bill No. 91 was passed at 3 P. M. to-morrow.

House Bill No. 90 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Buckley, Butler, Caldwell, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hill, Humber, Kelly, J. N., Kelly W. M., Kennedy, Langhorne, Leehey, Lindsay, Loeb, Longstaff, Marcum, McMahon, Metlen, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Watkins, Whipple, Whyte, Woods—55.

Noes—None.

Absent—Bruffy, Campbell, Carroll, Hart, Hewett, Lewis, McCabe, McIntire, McNally Morgan, Warren, Whiteside, Mr. Speaker—13.

Title agreed to.

House Bill No. 121 was read third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Buckley, Butler, Caldwell, Carroll, Clem, Edwards, Elliott, Evans, Greenfield, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Lindsay, Loeb, Longstaff, Marcum, McIntire, Penwelll Perrine, Phillips, Ramsey, Sanford, Shifelbin, Shovlin, Stork, McNally, Morgan, Morton, Mulville, Newton, O'Connor, Owens, Owsley, Wamsley, Watkins, Whipple, Whyte—45.

Noes—Clark, Cochran, Dee, Gilna, Hepner, Leehey, O'Malley, Power, Stephens, Sullivan, Taylor, Woods—12.

Absent—Bruffy, Campbell, Hart, Lewis, McCabe, McMahon, Metlen, Stanton, Warren, Whiteside, Mr. Speaker—11.

Title agreed to.

House Bill No. 112 was read third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Buckley, Butler, Caldwell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Greenfield, Hepner, Hewett, Hill, Humber, Kelly J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, McIntire, McNally, Metlen, Morgan, Morton, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens Stork, Sullivan, Taylor, Wamsley, Whipple, Woods—56.

Noes—Mulville, Whyte—2.

Absent—Bruffy, Campbell, Gilna, Hart, McCabe, McMahon, Penwell, Warren, Whiteside, Mr. Speaker—10.

Title agreed to.

House Bill No. 111 was read third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Buckley, Butler, Caldwell, Clark Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Longstaff, Marcum, McIntire, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Stork, Sullivan, Taylor, Wamsley, Watkins, Whipple, Whyte, Woods, Mr. Speaker—57.

Noes—Carroll—1.

Absent—Bruffy, Campbell, Hart, Loeb, McCabe, McMahon, Penwell, Stanton, Warren, Whiteside—10.

Title agreed to.

House Bill No. 110 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Buckley, Butler, Caldwell, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Longstaff, Marcum, McIntire, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Stork, Taylor, Wamsley, Watkins, Whipple, Woods, Mr. Speaker—55.

Noes—Loeb—1.

Absent—Bruffy, Campbell, Clark, Hart, McCabe, McMahon, Penwell, Stanton, Sullivan, Warren, Whyte, Whiteside—12.

Title agreed to.

House Bill No. 37 was read a third time and lost by the following vote:

Ayes—Armitage, Bartlett, Bruffy, Buckley, Butler, Carroll, Clem, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hewett, Hill, Humber, Kelly, J. N., Langhorne, Lindsay, Loeb, Longstaff, Marcum, McCabe, McMahon, Morton, Mulville, O'Malley, Penwell, Perrine, Power, Sanford, Shifelbin, Stephens, Stork, Taylor, Watkins, Whipple, Whyte, Whiteside, Mr. Speaker—41.

Noes—Bourne, Brown, Caldwell, Campbell, Clark, Cochran, Hart, Kelly, W. M., Kennedy, Leehey, Lewis, McIntire, McNally, Metlen, Morgan, Newton, O'Connor, Owens, Owsley, Phillips, Ramsey, Shovlin, Stanton, Sullivan, Wamsley, Warren, Woods—27.

House Bill No. 96 was read third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Butler, Caldwell, Campbell, Carroll, Clem, Dee, Edwards, Elliott, Evans, Greenfield, Hart, Hepner, Hewett, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Mulville, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Warren, Watkins, Whipple Woods, Mr. Speaker—54.

Noes—Morton, Whyte—2.

Absen—Bruffy, Buckley, Clark, Cochran, Gilna, Hill, Humber, Lewis, Loeb, Morgan, Newton, Whiteside—12.

Title agreed to.

On motion of Elliott the vote by which House Bill 94 was lost was reconsidered.

House Bill No. 94 passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Buckley, Butler, Caldwell, Carroll, Cark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Hart, Hewett, Hill, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, McIntire, McNally, Metlen, Mulville, Newton, O'Connor, O'Malley, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Warren, Woods—49.

Noes—Greenfield, McMahon, Owens, Whyte, Mr. Speaker—5.

Absent—Bruffy, Campbell, Gilna, Hepner, Humber, Kelly, W. M., Lewis, Loeb, McCabe, Morgan, Morton, Watkins, Whipple, Whiteside—14.

Title agreed to.

House Bill No. 93 was read third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Butler, Caldwell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Greenfield, Hart, Hewett, Hill, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Mulville, Newton, O'Malley, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Sullivan, Taylor, Wamsley, Warren, Watkins, Woods, Mr. Speaker—50.

Noes—Owens, Stork, Whyte—3.

Absent—Bruffy, Buckley, Campbell, Gilna, Hepner, Humber, Kelly, W. M., Lewis, Loeb, McCabe, Morgan, Newton, O'Connor, Whipple, Whiteside—15

On motion of Ramsey the House adjourned.

DAVID MARKS,
Chief Clerk.

THIRTY-NINTH DAY.

House of Representatives,
Helena, Montana, February 11, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the chaplain.

Journal of Thirty-eighth day read and approved.

Hill gave notice as follows:

I hereby give notice that on to-morrow I will make a motion to amend House Rules 12 and 41, relating to debate.

INTRODUCTION OF BILLS.

Wamsley introduced House Bill 259, A Bill for an Act to amend Sections 2150, 2151, 2153, 2154 and 2156 of the Code of Civil Procedure of the State of Montana, relating to Liens for salaries and wages.

Langhorne introduced House Joint Resolution No. 3 authorizing the Board of State Prison Commissioners to remove all necessary building material at the Eastern Penitentiary, at Billings, Montana, to the Western State Prison at Deer Lodge, and making an appropriation therefor.

THIRD READING OF BILLS.

House Bill No. 92 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Buckley, Butler, Campbell, Carroll, Clark Clem, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kennedy, Langhorne, Leehey, Lindsay, Lewis, Marcum, McIntire, McMahon, McNally, Metlen, Morton, Mulville, Newton, O'Malley, Owens, Penwell, Perrine, Power, Ramsey, Sanford, Shifelbin, Stephens, Stork, Taylor, Wamsley, Warren, Watkins, Whipple, Mr. Speaker—49.

Noes—None.

Absent—Armitage, Bruffy, Cochran, Caldwell, Kelly, J. N., Kelly, W. M. Loeb, Longstaff, McCabe, Morgan, O'Connor, Owsley, Phillips, Shovlin, Stanton, Sullivan, Whyte, Whiteside, Woods—19.

House Bill No. 99 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Perrine, Power, Sanford, Shifelbin, Stephens, Stork, Sullivan, Taylor, Wamsley, Warren, Watkins, Whipple, Woods, Mr. Speaker—51.

Absent—Armitage, Bruffy, Cochran, Kelly, W. M., Lewis, Loeb, Longstaff, McCabe, O'Connor, Owsley, Penwell, Phillips, Ramsey, Shovlin, Stanton, Whyte, Whiteside—17.

Title agreed to.

Substitute for House Bill No. 1 was read a third time.

Shifelbin moved a call of the House the absentees having appeared further proceedings under the call were dispensed with.

A pair was announced between Cochran and Bourne on all matters pertaining to Substitute for House Bill No. 1.

A pair was announced between Langhorne and Longstaff upon the final passage of Substitute for House Bill No. 1 only. Langhorne reserving the rgiht to vote on all subsidiary questions.

Campbell moved that Substitute for House Bill No. 1 be made a special order for 2 P. M. on Saturday next.

On motion of Stanton the previous question was ordered.

A pair was announced on all matters pertaining to Substitute for House Bill No. 1, between Phillips and Hill and all matters pertaining to House Bill No. 25 between Phillips and Humber.

On motion of Elliott the House took a recess until 1:30 P. M

AFTERNOON SESSION.

1:30 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

The motion to re-commit and make Substitute House Bill No. 1 a special order for Saturday at 2 P. M. prevailed by the following vote:

Ayes—Armitage, Brown, Bruffy, Buckley, Caldwell, Campbell, Clark, Greenfield, Hart, Humber, Kelly, W. M., Langhorne, Lewis, Marcum, McIntire, Metlen, Morgan, O'Connor, Owens, Owsley, Ramsey, Shovlin, Stanton, Sullivan, Wamsley, Warren, Whipple, Woods, Mr. Speaker—29.

Noes—Bartlett, Butler, Carroll, Clem, Dee, Edwards, Elliott, Evans, Gilna Hepner, Kennedy, Leehey, Lindsay, Loeb, McMahon, McNally, Morton, Mulville, O'Malley Perrine, Power, Sanford, Shifelbin, Stephens, Stork, Taylor, Watkins, Whyte—28.

Absent—Hewett, Kelly, J. N., Longstaff, McCabe, Newton, Penwell, Whiteside—7.

Paired—Bourne, Cochran, Hill, Phillips—4.

REPORT OF SPECIAL COMMITTEE.

The following report was received:

Mr. Speaker:

We, your Committee to whom was referred the communication of His Excellency, the Governor, with reference to the question of mileage and the excess thereof, claimed to have been collected by the members of the Legislative Assembly, beg leave to report that we have carefully considered said communication, and examined the law on said subject, and are of the opinion that it was error for the Committee on Mileage and Per Diem to have allowed the members of this body twenty cents per mile each way on mileage, and therefore recommend that the members of this body pay back to the State Treasurer the said excess of mileage, in accordance with their respective personal amounts in which they have been overpaid.

M. J. ELLIOTT,
Chairman.

On motion of Campbell the report was adopted by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Dee, Edwards, Elliott, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, O'Connor, O'Malley, Owens, Owsley, Power, Gilna, Hart, Hepner, Hill, Humber, Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Loeb, Marcum, Ramsey, Sanford, Shovlin, Stanton, Stephens, Stork, Taylor, Wamsley, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—57.

Noes—Sullivan—1.

Absent—Clem, Cochran, Greenfield, Hewett, Kelly, J. N., Longstaff, Newton, Penwell, Perrine, Phillips, Shifelbin—11.

House Bill No. 70 on motion of Owens was re-committed to the General Orders.

GENERAL ORDERS.

The House resolved itself into Committee of the Whole for the consideration of General Orders.

Morgan in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Owens House Bill No. 70 was taken from General Orders and made a special order for Monday next at 3 P. M.

On motion of Sanford House Bill No. 75 was taken from General Orders and made a special order for 2 P. M. on Monday.

On motion of Wamsley the House adjourned.

DAVID MARKS,
Chief Clerk.

FORTIETH DAY.

House of Representatives,
Helena, Montana, February 12, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Roll Called—Quorum present.

Prayer by the Chaplain.

Journal of Thirty-ninth day read and approved.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration House Bill No. 72, recommend that it be indefinitely postponed.

House Bill No. 77, recommend that it do pass as read.

House Bill No. 83 report back with the accompanying amendments and as so amended that it do pass.

Amendments to House Bill No. 83:

"Line 5, after the word "state" insert the following, "Between the international boundary line and the summit of the Bitter Root Range of Mountains, said boundary line being more particularly described as follows."

In section 3, line 15, strike out the word "less" an insert the word "more."

In section 2, line 9, by inserting after the word "Qualify" "By taking such an oath;" and in the same line between the words "as" and "provided" insert the word "is."

House Bill No. 53, recommend that it be made a special order for Friday February 12," at 11 o'clock.

House Bill No. 134, recommend that it do pass.

House Bill No. 135, recommend that it do pass.

House Bill No. 56, recommend that it do pass, and the clerk be instructed to change the date November 4" to November 3."

House Bill No. 87, recommend that it do pass.

Substitute for Senate Bill No. 5, recommend that it do pass.

Senate Bill No. 19, recommend that it do pass.

Senate Bill No. 6, same being under consideration beg leave to report progress, and ask leave to sit again.

MORGAN.
Chairman.

The report was adopted. and House Bill No. 72 was indefinitely postponed.

House Bill No. 77 was ordered engrossed. House Bill No. 83 as amended was ordered engrossed.

House Bill No. 53 was made a special order for 11 A. M.

House Bills 134, and 135, were ordered engrossed.

House Bill No. 56 as amended was ordered engrossed and House Bill No. 87 was ordered engrossed.

NOTICE OF INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Morgan:

A Bill to amend Section 688, Title X., Penal Code, relating to the crossing of public bridges.

By Clark:

A Bill to amend Sections 2351, 2352 and 2354 of the Penal Code, relative to the admission to bail of parties held to answer to the district court on complaint, indictment or information.

By Langhorne:

A bill for "An Act to license and regulate the sale of cigarettes, cigarette paper, and other articles used in the manufacture of cigarettes."

By Edwards:

A Bill for "An Act entitled an act to provide for the vacating of town and village plats and portions thereof."

By Gilna:

A Bill for "An Act to amend Section 2550, Chapter VIII., Title X., of Penal Code, relating to when actions may be dismissed."

By Shifelbin:

A Bill for "An Act to amend Sections 1361 and 1404 Part III., Title II., Chapter IX., of the Political Code, and to provide for the election of county commissioners by a cumulative vote."

By Power:

A Bill to amend Section 1290 of the Code of Civil Procedure relating to proceedings in foreclosure:

By Whipple:

A Bill to further define jurisdiction in probate proceedings.

By Longstaff:

A Bill for an Act to authorize corporations to issue bearer certificates.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Roads and Highways to whom was referred House Bills No. 15 and 16 introduced by Loeb recommend that the same be ordered printed, and placed on General Orders.

GEO. A. BRUFFY,
Chairman.

House Bill Nos. 15 and 16 were ordered printed.

The Printing Committee reported that they had selected Miss Emma Savage as Clerk.

On motion of Shifelbin the appointment of Miss Emma Savage was ratified.

The following reports were received:

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred Senate Bill No. 47, "A Bill for an Act regulating the office and traveling expenses of State Officers and providing the manner of allowance and payment thereof" having had same under consideration report bill back to the House with the recommendation that it do pass.

HUMBER,
Chairman.

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred Senate Bill No. 37, "A Bill for an Act to repeal Sections 2870, 2871, 2872, 2873, 2874, 2875 being all of Chapter 2, Title 7, Part 3, of the Political Code of Montana, and to substitute therefor provision for the collection of vital statistics by the school district clerk," having had same under consideration report same back and recommend that it be placed on general orders.

HUMBER,
Chairman.

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred House Bill No. 187, "A Bill for an Act to prohibit the letting of sub-contracts on public works and buildings" having had same under consideration report bill back to the House, and recommend that it do pass.

HUMBER,
Chairman.

Senate Bill Nos. 47 and 37 were placed on General Orders.

House Bill No. 187 was ordered printed.

The following report was received:

Your Committee on Printing to whom was referred House Bills numbered 131, 210, 126, 158, 164, 176, 240, 241 and 242 beg leave to report that the same have been properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 131, 210, 126, 158, 164, 176, 240, 241 and 242 were ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Insurance to whom was referred House Bill No. 217, introduced by Wamsley, being a bill relating to foreign corporations, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed.

CAMPBELL,
Chairman.

On motion of Wamsley House Bill No. 217 was ordered printed.

The following reports were received:

Mr. Speaker:

Your Committee on Affairs and Cities having had under consideration House Bill No. 257, being a bill for an Act providing for the Assessment and Taxation of Franchises for the construction and operation of street and suburban railways and electric light and power plants, beg to recommend that the same be ordered printed and placed on General Orders.

HEPNER,
Chairman.

Mr. Speaker:

Your Committee on Affairs and Cities having had under consideration House Bill No. 206, "A Bill for an Act relating to municipal indebtedness, and repealing Sections 4970 to 4981 both inclusive, of the Political Code," introduced by Stanton, beg leave to recommend that the same be ordered printed and placed on General Orders.

HEPNER,
Chairman.

Mr. Speaker:

Your Committee on Affairs of Cities having had under consideration House Bill No. 208, being "A Bill for an Act to amend Sections 4950 and 4951 of Chapter 4, Part 4, and Title 3, of the Political Code, relative to the proceedings for changing cities or town from one class to another," introduced by Butler, beg leave to recommend that the same do pass.

HEPNER,
Chairman.

House Bills Nos. 257, 206 and 208, were ordered printed.

The following reports were received:

Mr. Speaker:

Your Committee on Ways and Means having had under consideration House Bill No. 67, introduced by Hill and relating to licenses, have instructed me to report the same back to the House with the recommendation that it do pass.

GEORGE L. RAMSEY,
Chairman.

Mr. Speaker:

Your Committee on Ways and Means having had under consideration

House Bill No. 192, introduced by Perrine and relating to licenses, have instructed me to report the same back to the House with the recommendation that it do pass.

GEORGE L. RAMSEY,
Chairman.

House Bills Nos. 67 and 192 were ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Irrigation and Water Rights having had under consideration House Bill No. 238 being a bill requiring individuals, companies or corporations selling water to provide suitable gates or devices for the lawful measurement of water, beg leave to submit herewith substitute for same with recommendation that substitute do pass.

ARMITAGE,
Chairman.

On motion of Clem the Substitute for House Bill No. 238 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on State Lands to which was referred House Bill No. 226, and Senate Bill No. 7, beg leave to report the same back and recommend that they do pass.

WHITESIDE,
Chairman.

House Bill No. 226 was ordered printed.

Senate Bill No. 7 was placed upon the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred Senate Bill No. 31, entitled, "A Bill for an Act to amend Section 4635, Political Code of Montana, as to fees for recording instruments in writing, relating to location of and annual labor upon mining claims," introduced by Sligh, having had the same under consideration, beg leave to report it back to the House without recommendation.

M. DEE,
Chairman.

Senate Bill No. 31 was placed upon the General Orders.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By J. M. Kennedy:

House Bill No. 260, A Bill for an Act entitled "An Act to amend Subdivision 21 of Section 4230, of Part IV of Chapter II of Title II of the Political Code. relating to the duties of County Commissioners."

By McMahon:

House Bill No. 261, A Bill for an Act to repeal all of Title I, Part II, of the Penal Code, relating to State Prisons, and to provide a substitute in lieu thereof.

By Kelly:

House Bill No. 262, A Bill for an Act to amend Section 683, Chapter I., Title IV, Part IV, of the Political Code, providing for the manner in which adequate insurance may be had by those engaged in ranching.

By Watkins:

House Bill No. 263, A Bill for an Act to amend Section 4660, Chapter IV, Part IV, Title II, of the Political Code of the State of Montana.

By Gilna:

House Bill No. 264, A Bill for an Act to amend Section 1910, Chapter II, Title IV, of the Penal Code of the State of Montana.

By Perrine:

House Bill No. 265, A Bill for an Act to amend Sections 1354 and 1361 relative to ballots and voting at elections.

By Bruffy:

House Bill No. 268, A Bill for an Act to define the powers and duties of county surveyors and to provide for their compensation, and to abolish the office of road supervisor.

By Longstaff:

House Bill No. 267, Bill for an act to authorize the issue of shares and certificates to bearer by corporations with capital stock non-assessable and full-paid; to define the rights of the holders of such shares and certificates, and to authorize such corporations to make by-laws necessary or proper to carrying into effect the rights and powers granted by this act.

Hill introduced the following:

AMENDMENTS TO RULE 12.—DEBATE.

Subdivision 2. When two or more members rise at once, the Speaker shall name the member who is first to speak, and no member shall occupy more than five minutes in debate on any question in the House or in the Committee, except as further provided in this rule.

Subdivision 3. The member introducing the bill or measure under consideration, may open and close, and may occupy not exceeding fifteen minutes in opening and fifteen minutes in closing, where general debate has been had thereon.

This Rule shall also apply to the Committee of the Whole.

HILL,

Chairman Committee on Rules.

Stanton moved to amend by adding after the word "The in first line of Subdivision 3, the words "introducer or some one designated by him." the amendment was adopted.

SPECIAL ORDERS.

The hour of 11 A. M. for which House Bill No. 53 was made a special order having arrived the House resolved itself into Committee of the Whole for its consideration.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

Your Committee of the Whole to whom was referred House Bill No. 53 beg leave to report the same back with the recommendation that it do pass.

LINDSAY,
Chairman.

On motion the report was adopted.

On motion of Whiteside it was ordered that House Bill No. 13 be placed at the bottom of the calendar until House Bill No. 12 be reported back to the House by the Committee on Ways and Means, a call of the House was demanded.

Absent—Buckley. Further proceedings under the call were dispensed with.

Stork moved to lay the amendment to the rules, reported by the Committee on Rules, on the table,

Motion lost by the following vote:

Ayes—Bartlett, Clem, Edwards, Elliott, Evans, Gilna, Hewett, Kennedy, McMahon, Morton, Mulville, O'Malley, Power, Sanford, Shifelbin, Watkins Whyte—17.

Noes—Armitage, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clark, Dee, Greenfield, Hart, Hepner, Hill, Humber, Kelly, W. M., Langhorne, Leehey, Lindsay, Lewis, Loeb, Marcum, McCabe, McIntire, McNally, Metlen, Morgan, Newton, O'Connor, Owens, Owsley, Penwell, Perrine, Phillips, Ramsey, Shovlin, Stanton, Stork, Sullivan, Taylor, Wamsley, Warren, Whipple, Whiteside, Woods, Mr. Speaker—46.

Absent—Buckley, Cochran, Longstaff, Kelly, J. N., Stephens—5.

The amendment to the rules offered by the Committee on Rules and as amended by Stanton, was adopted by the following vote:

Ayes—Armitage, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clark, Dee, Edwards, Greenfield, Hart, Hepner, Hill, Humber, W. M., Langhorne, Leehey, Lindsay, Loeb, Marcum, McCabe, McIntire, McNally, Metlen, Morgan, Newton, O'Connor, Owens, Owsley, Penwell, Perrine, Phillips, Ramsey, Sanford, Shovlin, Stanton, Stork, Sullivan, Wamsley, Warren, Whipple, Whiteside, Woods, Mr. Speaker—46.

Noes—Bartlett, Clem, Elliott, Evans, Gilna, Hewett, Kennedy, Lewis, McMahon, Morton, Mulville, O'Malley, Power, Shifelbin, Taylor, Watkins, Whyte —17.

Absent—Buckley, Cochran, Kelly, J. N., Longstaff, Stephens—5.

On motion of Humber the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker in the chair.

RESOLUTION.

McCabe introduced the following and moved its adoption.

Mr. Speaker:

In view of the fact that our Session is drawing to a close, and as the House as well as the State at large have been waiting anxiously for nearly three weeks for the Committee appointed to investigate the Capitol Commission to report. I move you that the said committee be requested to make report to this body not later than Monday next at three o'clock P. M.

The motion to adopt was lost.

Ramsey presented the following and moved its adoption.

Resolved, That the Speaker be authorized to appoint a Steering Committee of 7.

The resolution was adopted by the following vote:

Ayes—Armitage, Bourne, Brown, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Dee, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Langhorne, Leehey, Loeb, Marcum, McCabe, McIntire, McNally, Metlen, Morgan, Newton, O'Connor, Owens, Owsley, Penwell, Perrine, Phillips, Ramsey, Shovlin, Stanton, Stork, Sullivan, Warren, Whipple, Whiteside, Woods, Mr. Speaker—44.

Noes—Bartlett, Clem, Edwards, Evans, Elliott, Gilna, Kennedy, Lindsay, Lewis, McMahon, Morton, Mulville, O'Malley, Power, Sanford, Shifelbin, Taylor, Wamsley, Watkins, Whyte—20.

Absent—Bruffy, Cochran, Longstaff, Stephens—4.

McMahon presented the following and moved its adoption.

Mr. Speaker:

Owing to the large amount of business we have before us, it looks as if it will be impossible for us to carefully consider all the business now on our desks, as the time is getting very short. Therefor I move you, sir, that henceforth we will convene at 9 o'clock A. M. and remain in session until 12 o'clock A. M. and then a recess until one o'clock P. M. and then remain in session until 6 o'clock P. M.

PATRICK McMAHON,

The motion to adopt was lost by the following vote:

Ayes—Bartlett, Edwards, Elliott, Evans, Gilna, Kennedy, McMahon, Morton, Mulville, O'Malley, Owens, Power, Shifelbin, Whyte—14.

Noes—Armitage, Bourne, Brown, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N. Kelly, W. M., Langhorne, Leehey, Lewis, Marcum, McCabe, McIntire, McNally, Metlen, Morgan, Newton, O'Connor, Owsley, Penwell, Perrine, Phillips, Ramsey, Sanford, Shovlin, Stanton, Stephens, Stork, Sullivan, Wamsley, Warren, Watkins, Whipple, Woods, Mr. Speaker—46.

Absent—Bruffy, Cochran, Dee, Lindsay, Loeb, Longstaff, Taylor, Whiteside—8.

On motion of Loeb House Bill No. 244 was re-called from the Committee on State Institutions, Public Buildings and Grounds, and referred to the Committee on Ways and Means.

Loeb was excused from attendance on to-morrow's session.

REFERENCE OF BILLS TO COMMITTEES.

House Bill No. 259 was read first and second time and referred to Committee on Agriculture and Stock Growing.

House Bill Nos. 260, 266 were read first and second time and referred to Printing Committee.

House Bill No. 261 was read first and second time and referred to Committee on State Institutions.

House Bill No. 262 was read first and second time and referred to Insurance Committee.

House Bill No. 263 was read first and second time and referred to Committee on Towns and Counties.

House Bill No. 264 was read first and second time and referred to Judiciary Committee.

House Bill No. 265 was read first and second time and referred to Comcittee on Privileges and Elections.

House Joint Resolution No. 3 was read first and second time and referred to Committee on Appropriations.

House Bill No. 267 was read first and second time and referred to Ways and Means Committee.

REPORTS OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 81 as properly engrossed.

C. F. STORK,
Chairman.

MESSAGES FROM THE SENATE.

The following communications were received:

Senate Chamber,
Helena, Montana, February 3rd, 1897.

Mr. Speaker:

I have the honor to inform you that the Senate has passed Senate Bill No. 30, which Bill is herewith transmitted and your concurrence therein is respectfully requested.

Senate Bill No. 34 was read third time, placed on its final passage and lost.

That Senate has refused to concur in House Joint Resolution No. 1 and said Resolution is herewith transmitted.

Yours Respectfully,
JOHN BLOOR,
Secretary of Senate.

Senate Chamber,
Helena, Montana, February 4th, 1897.

Mr. Speaker:

I am directed by the Senate to inform you that the Senate has passed Senate Bills Nos. 36, 41, 42, 45 and 46, said bills are herewith transmitted, and your concurrence therein respectfully requested.

The following bill was introduced:

By Smead:

Senate Bill No. 67, A Bill for an Act to amend Section 592 of the Code of Civil Procedure, relating to the working of Mining Claims.

The following notice of introduction of bills was read:

By Hannah:

A Bill for an Act submitting to the qualified electors of Montana, for their approval or rejection, at the next general election, an amendment to Section 15 of Article 12 of the Constitution of the State of Montana, relating to revenue and taxation.

Yours Respectfully.
JOHN BLOOR,
Secretary of the Senate.

Senate Chamber,
Helena, Montana, February 5th, 1897.

Mr. Speaker:

I have the honor to inform you that the Senate has passed the following bills:

Senate Bills Nos, 28, 38 and 48, and substitute for Senate Bills Nos. 12, 16 and 53. Said bills are herewith transmitted and your concurrence therein is respectfully requested.

JOHN BLOOR,
Secretary of Senate

Senate Chamber,
Helena, Montana, February 5th, 1897.

Mr. Speaker:

The following bills were introduced:

By Greene:

Senate Bill No. 68, A Bill for an Act entitled an Act to repeal Section 2360 of the Political Code of the State of Montana, relating to the name of the Deaf and Dumb Asylum.

By Greene:

Senate Bill No. 69, A Bill for an Act authorizing the issuance of bonds to provide for the payment of all outstanding Deaf and Dumb Asylum warrants, to complete the building now in course of construction at the town of Boulder, State of Montana, and to erect certain buildings, make certain improvements on the grounds of said Deaf and Dumb Asylum at said place, and to create a sinking fund to redeem said bonds, and to repeal all conflicting laws.

By Ramsdell:

Senate Bill No. 70, A Bill for an Act to amend Sub-division I. of Section 1452 of the Code of Civil Procedure of the State of Montana.

By Hannah:

Senate Bill No. 71, A Bill for an act to submit to the qualified electors of the State of Montana, for their approval or rejection, at the next general election to be held within the State for Members of the Legislative Assembly, an amendment to Section 15, Article XII, of the constitution of the State of Montana, relating to revenue and taxation.

By Riddell:

Senate Bill No. 72, A Bill for an Act authorizing the issuance of bonds to provide for the erection of a building for the State of Montana, at the city of Helena, and providing for the payment of interest thereon, and repealing Section 2454 of the Political Code of Montana.

By Hoffman:

Senate Bill No. 73, A Bill for an act to amend Section 3475 Article I, Title VIII, Part III, of the Political Code of the State of Montana, relating to the leasing of State lands by the Board of Land Commissioners, and providing the length of time of leases.

By Riddell:

Senate Bill No. 74, A Bill for an act authorizing the issuance of bonds to provide for the payment of outstanding warrants, and for the erection and completion of a building for the School of Mines at Butte City, and providing for the payment of interest thereon, and repealing sections 1584, 1600 and 1601 of the Political Code of Montana.

JOHN BLOOR,
Secretary of Senate.

Senate Chamber,
Helena, Montana, February 5th, 1897.

Mr. Speaker:

I have the honor to inform you that the Senate has concurred in House Bills Nos. 51, 58, 68, and 69, all of which are herewith transmitted.

I am also instructed to inform your honorable body that Substitutes for Senate Joint Resolution No. 2, adopted by the House was indefinitely postponed; and your concurrence in Senate Joint Resolution No. 2, is respectfully requested. Said Resolution and Substitute are herewith transmitted.

JOHN BLOOR,
Secretary of Senate.

Senate Chamber,
Helena, Montana, February 8th, 1897.

Mr. Speaker:

I am directed by the Senate to inform you that the following notices of the introduction of bills were read:

By Chandler:

A Bill for an Act to repeal Section 3695 of the Political Code of the State of Montana concerning the appointment of Real Estate Appraisers.

By Ramsdell:

A Bill to further increase the powers of County Assessors in assessing the depositors of all banks in the State.

The following bills were introduced:

By Committee on Finance and Claims:

Senate Bill No. 75, A Bill for an Act to amend Section 875 of the Political Code of the State of Montana, concerning the salary of the Clerk of the Supreme Court.

By Committee on Finance and Claims:

Senate Bill No. 76, A Bill for an act to amend Section 550 of the Political Code of the State of Montana, concerning the salary and the duties of the Inspector of Mines.

By Committee on Finance and Claims:

Senate Bill No. 77, A Bill for an Act to amend Section 552 of the Political Code of the State of Montana, concerning the qualifications and salary of the Assistant Inspector of Boilers.

By Eggleston:

Senate Bill No. 78, A Bill for an Act to provide for the making of official maps for the State of Montana and to provide for the payment of the same.

By Riddell:

Senate Bill No. 79, A Bill for an Act to amend Sections 2440, 2443, 2444, 2447, 2448, 2449, 2452, and 2453 of Part 3, Title 5, Chapter 4, Article 2, of the Political Code, and to add a new section to said Part, Chapter and Article, all relating to the creation of a State Capitol Commission, and defining its duties.

By Hannah:

Senate Bill No. 80, A Bill for an Act to add a section to be numbered 354, to Article 2, Chapter 3, Part 3, Article 1, of the Political Code of Montana, relating to the salaries of State Officers and their deputies and clerks, and to repeal all acts and parts of acts in conflict therewith.

By Metzel:

Senate Bill No. 81, A Bill for an Act to amend Sections 1911 and 1912, Article 13, Chapter 6, of Title 3, of Part 3, of the Political Code of the State of Montana, relating to examinations and certificates.

By Chandler:

Senate Bill No. 82, A Bill for an Act to amend Section 4120 of the Political Code concerning the boundaries of Fergus County and locating the County Seat of said County.

JOHN BLOOR,
Secretary of the Senate.

Senate Chamber,
Helena, Montana, February 10th, 1897.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Senate Bill No. 54 has passed the Senate and is herewith transmitted and your concurrence therein is respectfully requested.

The following bills were introduced:

By Smead:

Senate Bill No. 86, A Bill for an Act to provide for the preservation of forests of this State and for the prevention and suppression of forest fires and prairie fires.

By Metzel:

Senate Bill No. 87, A Bill for an Act forbidding discrimination in charges by corporations fulfilling public functions.

By Committee on Finance and Claims:

Senate Bill No. 88, A Bill for an Act to amend Section 890 of the Political Code of the State of Montana, relating to the appointment, qualification and salary of the reporter of the Supreme Court.

By Committee on Finance and Claims:

Senate Bill No. 89,A Bill for an Act to amend Section 375 of the Code of Civil Procedure of the State of Montana, relating to the salaries and fees of Court Stenographers.

By Chandler:

Senate Bill No. 90, A Bill for an Act to amend Section 3203 of the Political Code, relative to the care of poor children.

The following notice of introduction of bills was read:

A Bill for an Act to amend Section 3259, Article 10, Chapter 13, Title 7, Part 3, of the Political Code in reference to animal or animals breaking into an enclosure surrounded by a legal fence.

METZEL.

JOHN BLOOR,
Secretary of Senate.

Senate Chamber,
Helena, Montana, February 11th, 1897.

Mr. Speaker:

I am directed by the Senate to inform you honorable body, That the Senate has concurred in House Joint Memorials 1, 2 and 3, which are herewith transmitted.

The Senate has also concurred in House Bill No. 22, as amended. Said amendments are attached to said bill, which is herewith transmitted, and you are respectfully requested to concur in said amendments.

The following bills were introduced:

By Hoffman:

Senate Bill No. 91, A Bill for an Act relating to Farmers Institute.

By Metzel:

Senate Bill No. 92, A Bill for an act to amend Section 3259, Article 10, Chapter 13, Title 7, Part 3 of the Political Code in reference to animals, breaking into an enclosure surrounded by a legal fence.

The following notice of introduction of bills was read:

By Auld:

A Bill for an act to amend Section 320 of the Code of Civil Procedure, relating to the manner of drawing Grand Jurors.

Very Respectfully,

JOHN BLOOR,
Secretary of Senate.

Senate Chamber,
Helena, Montana, February 11th, 1897.

Mr. Speaker:

I am directed by the Senate to inform you that the Senate has refused to recede from its amendments to House Bill No. 50, and the President has appointed Senators Norris, Smead, and Ramsdell as members of a conference committee to confer with a like committee from the House in reference to said bill.

JOHN BLOOR.,
Secretary of Senate.

House Bills Nos. 51, 58, 68, 69 and House Joint Memorial Nos. 1, 2, and 3 were ordered enrolled.

The chair appointed as conference committee on House Bill No. 50 Langhorne, Ramsey and Elliott.

On motion of Dee Senate amendments to House Bill No. 22 were concurred in and the Bill was ordered enrolled.

On motion of Leehey it was ordered that House Bill No. 80 take the place occupied on General Orders by House Bill No. 41 and that House Bill No. 41 take the place occupied by House Bill No. 80.

GENERAL ORDERS.

The House resolved itself into Committee of the Whole for the consideration of General Orders.

Morgan in the chair.

House resumed.

Mr. Speaker in the chair.

Mr. Speaker:

The Committee of the Whole having had Senate Bill No. 6 under consideration, beg leave to report same back with recommendation that the encating clause be stricken out.

L. L. MORGAN,
Chairman.

On motion of Leehey the further consideration of Senate Bill No. 6 was made a special order, Tuesday, February 16, at 2 P .M.

On motion of McCabe the House again resolved itself into Committee of the Whole for the further consideration of General Orders.

Wamsley in the chair.

House resumed.

Mr. Speaker in the chair.

Wamsley of the Committee of the Whole was given further time in which to report.

Brown was excused from attendance at to-morrow's session and a pair was announced between Brown and Lindsay of House Bill No. 25.

McIntire was excused from attendance at to-morrow's session.

On motion of Elliott the House adjourned.

DAVID MARKS,
Chief Clerk.

FORTY-FIRST DAY.

House of Representatives,
Helena, Montana, February 13, 1897.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the chaplain.

Journal of Fortieth day read and approved.

Clem announced a pair between himself and McIntire upon all matters pertaining to House Bill No. 25.

NOTICES OF INTRODUCTION OF BILLS.

Ramsey gave notice as follows:

Your Committee on Ways and Means desires to give notice that it will on Monday, or some subsequent day, introduce a bill for "An Act to amend Sections 4071 and 4081, of Article 2, Chapter XIII, Title 10, Part 3, of the Political Code of the State of Montana, relating to Licenses."

The following report was received:

Mr. Speaker:

The Committee of the Whole have had under consideration House Bill No. 76, House Joint Memorial No. 4 and House Bill No. 80, and report as follows and recommend the adoption.

That the Enacting Clause be stricken out of House Bill No. 76.

That House Joint Memorial No. 4 do pass.

We have had under consideration House Bill No. 80 and ask leave to sit again upon its consideration.

J. E. WAMSLEY,
Chairman.

On motion of Kennedy the report was adopted:

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 246, 145, 30, 195, 64, 184, 160, 139 and 218 beg leave to report back same properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 246, 145, 30, 195, 64, 184, 160, 139 and 218 were placed upon General Orders.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 140, "A Bill for an Act to amend Section 1222 of the Code of Civil Procedure relating to exemptions," introduced by Penwell, and Senate Bill No. 9, "A Bill for an act amending subdivision 11, Chapter 1, Section 1222, Code of Civil Procedure, relating to executions and exemptions therefrom," introduced by Norris, beg leave to return herewith a substitute for House Bill No. 140, which embodies all the provisions of both bills. These measures both undertake to amend Section 1222 of the Code of Civil Procedure, relating to exemptions and we believe the same to be desirable legislation, and have incorporated the same into the accompanying substitute, which we herewith return to your honorable body with the recommendation that the substitute be adopted and that it do pass. We recommend the further consideration of Senate Bill No. 9 be indefinitely postponed.

LEEHEY,
Chairman.

On motion of Leehey the substitute reported for House Bill No. 140 was adopted and the same was ordered printed.

On motion of Kennedy Senate Bill No. 9 was indefinitely postponed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 254, "A Bill for an Act to amend Section 2640, Chapter 2, Article IV., Part III., of the Political Code, relating to road supervisors," introduced by Phillips, beg leave to report that we have carefully examined the same with reference to its form and legal effect, and return it to the House with the recommendation that it be printed and placed on general orders.

We also report that we have carefully examined House Bill No. 181, "An Act to add an additional Section to Division III., Part IV., Title XIII., Chapter II., Article II., liability of sureties , of the Civil Code of Montana, to be known as Section 3685," introduced by Langhorne, and report it to the House with the recommendation that it be printed.

House Bill No. 201, "A Bill for an Act to amend Section 4256, Article III., Chapter II., Title I., Part IV., of the Political Code of the State of Montana, relating to the powers of county commissioners," introduced by Whiteside, has received our careful consideration and we recommend that the same be printed.

We have carefully examined House Bill No. 236, "A Bill for an Act to amend Section 4642, of Chapter IV., of Title II., of Part IV., of the Political Code of the State of Montana, relating to the fees of justices of the peace," introduced by Leehey, and we would recommend that the same be printed and placed on general orders without further recommendation.

We have not examined House Bill No. 155, "An Act providing liens upon saw-logs, piling, railroad ties, cordwood, or other timber, and upon lumber and shingles, and concerning the remedy to secure and obtain such liens, and the benefit thereof, and the manner and procedure of obtaining the same," introduced by Longstaff, at length, but believe the same to be demanded legislation, and therefore recommend that the bill be at once printed and placed on general orders.

LEEHEY,
Chairman.

House Bills Nos. 254, 181, 201, 236, 155, were ordered printed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 182, "An Act to add an additional Section to Chapter VII., Title XIV., of the Code of Civil Procedure to be numbered Section 1906," introduced by Langhorne, beg leave to report that we have carefully examined the same, and believe that the costs of procuring bonds for an executor or administrator should by borne by that officer and should not be a charge upon the estate. We therefore recommend that the further consideration of this bill be indefinitely postponed.

LEEHEY.
Chairman.

On motion of Kennedy House Bill No. 182 was ordered indefinitely postponed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 130, "A Bill for an Act to amend Section 4560, Article XII., Chapter III., Title II., Part IV., of the Political Code relating to county auditors, and the duties thereof," introduced by Loeb, beg leave to report that we have carefully prepared a substitute therefor, and we return herewith said substitute to your honorable body with the recommendation that it be adopted, and that the substitute as adopted do pass.

LEEHEY,
Chairman.

On motion of Langhorne the substitute for House Bill No. 130 was adopted and the same was ordered printed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 151, "An Act to provide for the exemption of wages and earnings of debtors and for the release of the same from attachment and levy under execution," introduced by Carroll, beg leave to report therefor a substitute, which is herewith submitted with the recommendation that the same be adopted and placed on general orders for favorable consideration.

LEEHEY,
Chairman.

On motion of Campbell the substitute for House Bill No. 151 was adopted and the same was ordered printed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 253, "A Bill for an Act to amend Section 2643 of Part III., Title VI., Chapter II., Article IV., of the Political Code," introduced by Butler, beg leave to report the same back to the House with our approval as to form and legal effect and recommend that it be referred to the Committee on Roads and Highways for further consideration.

LEEHEY,
Chairman.

On motion of Butler House Bill No. 253 was ordered printed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 229, "A Bill for an Act to compel corporations to pay employees at least every two weeks and to provide penalties for the violation thereof," introduced by Clem, herewith report the same back to the House with the recommendation that its further consideration be indefinitely postponed.

LEEHEY,
Chairman.

On motion of Carroll House Bill No. 229 was ordered printed.

The following reports were received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 224, "A Bill for an Act to regulate issuing of writs of attachments out of justice of the peace courts," introduced by Bartlett, beg leave to report that we have carefully examined the same and believe it to be desirable and needed legislation, and therefore recommend that it do pass.

LEEHEY,
Chairman.

Mr. Speaker:

Your Committee on Insurance to whom was referred House Bill No. 231, having had the same under consideration beg leave to report the same back to the House with the recommendation that it do pass.

CAMPBELL,
Chairman.

House Bills Nos. 224 and 231 were ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means have instructed me to report a substitute bill herewith for House Bill No. 162 which relates to Licenses, and recommend that the substitute do pass.

We recommend House Bills Nos. 153, 157, 176, 196 for indefinite postponment.

GEORGE L. RAMSEY,
Chairman.

On motion of Campbell substitute for House Bill No. 162 was adopted.

On motion of Clem House Bills Nos. 153, 157, 176, 196 were indefinitely postponed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Committee on Insurance:

House Bill No. 268, Bill for an act to prohibit insurance corporations to do business in the State of Montana, from placing or causing to be placed, except through duly licensed agents in this state, insurance on property or persons in this State.

By the Committee on Ways and Means:

House Bill No. 269, An Act entitled An Act to amend Section 4071 and 4081 of Article 2, Chapter 13, Title 10, Part 3, of the Political Code of the State of Montana.

By Morgan:

House Bill No. 270, Bill for an act to amend Section 688, Title 10, of the Penal Code of the State of Montana, relating to the crossing of public bridges.

By Shiffelbin:

House Bill No. 271, Bill for an act to amend 1361 and 1404, Part 3, Title 2, Chapter 9, of the Political Code, and to provide for the election of County Commissioners by a cumulative vote.

By Langhorne:

House Bill No. 272, Bill for an act to license and regulate the sale of cigarettes, cigarette paper and other articles used in manufacture of cigarettes.

By the Committee on Irrigation, Immigration and State Lands:

House Bill No. 273, Bill for an act to amend Sections 3530 to 3547, both inclusive, Article 2, Title 8, Part 3, of the Political Code of the State of Montana and to add thereto sections 3548 to 3559, both inclusive, and also 3559a, 3559b, 3559c, 3559e, 3559f.

By Watkins:

House Bill No. 274, Bill for an Act to amend Section 977 and to repeal Section 979 of the Civil Code of Montana.

By Clark:

House Bill No. 275, Bill for an Act amending 2351, 2352, 2353 of Article 2, Chapter 1, Title 10, and Section 2364 of Article 3, of Chapter 1, Title 10, of the Penal Code.

By Longstaff:

House Bill No. 276, Bill for an act to authorize corporations to issue bearer certificates of stock, etc. ,

By the Judiciary Committee:

House Bill No. 277, Bill for an Act to amend Section 1171 of the Code of Civil Procedure of the State of Montana relating to specifications and proceedings in application for new trials in civil causes.

By Edwards:

House Bill No. 278, Bill for an Act entitled an act to provide for the vacating of town and village plats and portions thereof.

By Buckley:

House Bill No. 279, Bill for an Act creating the office of oil inspector of the State of Montana, and defining his powers and duties.

By the Committee on Roads and Highways:

House Bill No. 280, Bill for an act amending Sections 2640, 2642, 2643, 2680, of the Political Code, relating to the levy, collection and disposition of road taxes.

GENERAL ORDERS.

The House resolved itself into Committee of the Whole for consideration of General Orders.

Wamsley in the chair.

House resumed.

Mr. Speaker in the chair.

Wamsley of the Committee of the Whole was granted time in which to report.

On motion of Leehey it was ordered that House Bill No. 78 take the place on General Orders occupied by House Bill No. 40 and House Bill No. 40 be placed in position occupied by House Bill No. 78.

The House resolved itself into Committee of the Whole for consideration of General Orders.

Mr. Carroll in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

The Committee of the Whole have had under consideratio House Bill No. 78 and recommend that it do pass.

CARROLL,
Chairman.

The report was adopted and House Bill No. 78 was ordered engrossed.

On motion of Wamsley the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker in the chair.

The hour having arrived for which substitute for House Bill No. 1 was made a special order the House resolved itself into Committee of the Whole for its consideration.

Hill in the chair.

House resumed.

Mr. Speaker in the chair.

Hill of the Committee of the Whole was granted further time in which to report.

On motion of Shovlin the House adjourned until 2 P. M. Monday.

DAVID MARKS,
Chief Clerk.

FORTY-THIRD DAY.

House of Representatives,

Helena, Montana, February 15th, 1897.

House met pursuant to adjournment at 2 o'clock P. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Forty-first day read and approved.

Pursuant to the resolution of Ramsey adopted at Friday's session for the appointment of a Steering Committee the chair announced the following Committee: Ramsey, Owsley, O'Connor, Campbell, Elliott, Langhorne, McIntire.

SPECIAL ORDERS.

The hour having arrived for which House Bill No. 75 was made a special order, the House resolved itself into a committee of the Whole for its consideration:

Leehey in the chair.

House resumed.

Mr. Speaker in the chair.

Leehey of the Committee of the Whole reported progress on House Bill No. 75 and leave was granted to sit again.

The hour of 3 P. M. having arrived for which House Bill No. 70 was made a special order the House resolved itself into Committee of the Whole for its consideration.

Whiteside in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

The Committee of the Whole have had under consideration House Bill No. 70, and report it back with the accompanying amendments and as so amended recommend that it do pass.

WHITESIDE,
Chairman.

On motion of Clark the report was adopted and House Bill No. 70 was ordered engrossed.

The House again resolved itself into Committee of the Whole for the further consideration of House Bill No. 75

Leehey in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration House Bill No. 75 report the same back with the accompanying amendments and recommend that as amended it be engrossed.

LEEHEY,
Chairman.

On motion of Stanton the report was adopted.

The following report was received:

Mr. Speaker:

Your Committee of the Whole to whom was referred substitute for House Bill No. 1, have had the same under consideration, and beg leave to report the same back to the House with the accompanying amendments and as so amended, recommend the same do pass.

HILL,
Chairman.

On motion of Elliott the report was adopted and the bill was ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 80, beg leave to report the same back to the House with the accompanying amendments, and as so amended recommend that the same do pass.

J. E. WAMSLEY,
Chairman.

On motion of Elliott the report was adopted and House Bill No. 80 was ordered engrossed.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bills Nos. 53, 56, 77, 83, 87, 134 and 135 as correctly engrossed.

C. F. STORK,
Chairman.

NOTICE OF INTRODUCTION OF BILLS.

Notices of Bills to be introduced were given as follows:

By Bartlett:

Bill for an Act entitled an act to amend Section 2153 of Chapter 3, of Title 4, Part 3, of the Code of Civil Procedure, in relation to certain liens for wages and salaries.

By McCabe:

Bill for an act to amend Section 4604 of the Political Code, concerning mileage of sheriffs.

By Owens:

Bill for an act relative to taxation of mortgages.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Irrigation and Water Rights have had under consideration House Bill No. 89 and submit herewith substitute for same with recommendation that it do pass.

ARMITAGE,
Chairman.

On motion of Kennedy the substitute for House Bill No. 89 was adopted and the same was ordered printed.

On motion of Watkins the House took a recess until 7:30 P. M.

EVENING SESSION.

7:30 P. M

House resumed.

Mr. Speaker in the chair.

REPORTS OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 177, 247, 250, 197, 248, 205, 169, 167 and 203 beg leave to report back same properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 177, 247, 250, 197, 248, 205, 169, 167, and 203 were placed on General Orders.

McCabe moved that the Committee appointed to investigate the acts of the Capitol Commission be directed to report to this House not later than Wednesday next at 2 P. M.

Motion lost.

Mulville introduced House Bill No. 281, A Bill for an Act to secure depositors.

House Bill No. 269 was read first and second times and ordered printed.

House Bill No. 270 was read first and second time and referred to Committee on Roads and Highways.

House Bill No. 271 was read first and second time and referred to Committee on Judiciary.

House Bill No. 272 was read first and second time and referred to Committee on Ways and Means.

House Bill No. 273 was read first and second time and referred to Committee on Irrigation and Water Rights.

House Bill No. 274 was read first and second time and referred to Committee on Railroads and Transportation.

On motion of Hepner the House adjourned.

DAVID MARKS,
Chief Clerk.

FORTY-FOURTH DAY.

House of Representatives,
Helena, Montana, February 16, 1897.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Forty-third day read and approved.

COMMUNICATIONS.

The following communication was received:

To the Honorable Speaker and Members of the House of Representatives:

Gentlemen:—The Committee on Arrangements, composed of members from the three lodges of Knights of Pythias of Helena, take pleasure in extending to you and each of the Honorable members of the House, an invitation to attend a ball to be given at the Auditorium in this city, on Friday, February 19, 1897, in celebration of the Thirty-third Anniversary of the Order.

Will you kindly cause this communication to be read and each of the accompanying invitations, with its enclosed complimentary ticket, to be delivered by your pages to the members of your body to whom it is addressed, and oblige,

Yours respectfully,
S. A. BALLIET,
Chairman.

On motion of Carroll the communication was accepted and the Chief Clerk was instructed to extend the thanks of the House.

NOTICES OF THE INTRODUCTION OF BILLS.

Notices of bills to be introduced were given as follows:

By O'Malley:

Bill to amend Chapter of Political Code relating to constable's fees.

By Watkins:

Bill to create a state bank for the State of Montana.

By Armitage:

Bill providing for the classing of the plant known as sweet clover as a nuisance, and providing measures looking towards its extermination.

By Butler:

Bill for an act to amend Section 4079 Chapter 1, Part 4, Title 1, of the Political Code, relating to licenses.

By Lindsay:

Bill for an act to amend Section 4315 of Chapter 3, Article 1, of the Political Code, relating to the term of the assessor.

REPORTS OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Towns and Counties to whom was referred House Bill No. 86, beg leave to report the accompanying amendments, and as amended that the same do pass.

WHIPPLE,
Chairman.

Penwell moved to adopt the report.

Motion lost.

On motion of Loeb the bill as amended by the Committee on Towns and Counties was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Mines and Mining to which was referred House Bill No. 243 entitled, "An Act to protect human life in underground mining" having had the same under consideration, beg leave to report it back to the House with the recommendation that it be indefinitely postponed.

MARTIN DEE,
Chairman.

On motion of Kennedy the report was adopted and House Bill No. 243 was indefinitely postponed.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means having had under consideration House Bill No. 258, introduced by the Insurance Committee, and providing for the licensing of Insurance Companies, report the accompanying amendments and recommend that as amended the Bill do pass.

RAMSEY,
Chairman.

On motion of Ramsey the report was adopted and House Bill No. 258 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration House Bill No. 237, introduced by Bartlett, a bill for an act to abolish the office of coroner, would ask that the same be transferred to the Judiciary Committee.

RAMSEY,
Chairman.

House Bill No. 237 was referred to the Committee on Judiciary.

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration House Bill No. 220, introduced by Loeb, relative to and reducing the salaries of State Officers, would recommend that the same be printed.

RAMSEY,
Chairman.

House Bill No. 220 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means having had under consideration House Bill No. 267, introduced by Longstaff, and relating to the issue of shares and certificates of corporations, woud ask that the same be referred to the Judiciary Committee.

RAMSEY,
Chairman.

House Bill No. 267 was referred to Committee on Judiciary.

The following report was received:

Mr. Speaker:

The Ways and Means Committee would report the bill herewith, as a substitute for House Bill No. 185 and recommend House Bill No. 9 and No. 143 for indefinite postponment.

RAMSEY,
Chairman.

On motion of Hill substitute for House Bill No. 185 was adopted and the same was ordered printed.

House Bills Nos. 9 and 143 were indefinitely postponed.

The Ways and Means Committee gave notice that it will on to-morrow or some subsequent day introduce a bill relative to sessions of County Commissioners.

The following report was received:

Mr. Speaker:

The Committee on Roads and Highways feeling the necessity of a Clerk, hereby request that Miss Kathleen Rademaker be assigned to this Committee, and also for the Committees on Agriculture and Stockgrowing, Fish and Game, and Irrigation and Water Rights.

G. A. BRUFFY,
Chairman of Committee on Roads and Highways.
J. T. BROWN,
Chairman of Committee on Agriculture and Stockgrowing.
WHITE CALDWELL,
Chairman of Committee on Fish and Game.
T. C. ARMITAGE.
Chairman of Committee on Irrigation and Water Rights.

On motion of Hewett the appointment of Miss Kathleen Rademaker was ratified by the House.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By McCabe:

House Bill No. 282, Bill for an act to amend Section 4604 of the Political Code of the State of Montana; concerning the mileage of sheriffs.

By Whyte:

House Bill No. 283, Bill for an act to authorize the appointment of a Commissioner for the measurement and division of water under decrees of court in certain cases.

By Elliott:

Bill for an act defining the liability of persons and corporations for negligence of co-employes.

By Whipple:

House Bill No. 285, Bill for an act to further define jurisdiction in probate proceedings.

By Bartlett:

House Bill No. 286, Bill for an act entitled an act to amend Section 2153 of Chapter 3, of Title 4, Part 3, of the Code of Civil Procedure, in relation to certain liens for wages and salaries.

By Loeb:

House Joint Memorial No. 4.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

We your Committee on Townships and Counties to whom was referred House Bill No. 263, an Act to amend Section 4660 Political Code of Montana respectfully report the Bill back and recommend that the further consideration of the same be indefinitely postponed as we are advised that a duplicate of this bill was before the Ways and Means Committee, and that they had embodied the substance of the same in a bill which they report back to the House this day.

C. A. WHIPPLE,
Chairman.

On motion of Penwell the report was adopted and House Bill No. 263 was indefinitely postponed.

Armitage moved that the rules be suspended and House Bill No. 48 be taken from General Orders and be made a special order.

The motion was lost by the following vote:

Ayes—Armitage, Bartlett, Bruffy, Buckley, Butler, Carroll, Dee, Edwards, Elliot, Evans, Gilna, Hart, Hewett, Hill, Kennedy, Lindsay, Marcum, McMahon, McNally, Morton, Mulville, O'Malley, Perrine, Sanford, Shifelbin, Stephens, Taylor, Wamsley, Watkins, Whipple, Whyte—31.

Noes—Brown, Caldwell, Campbell, Clark, Greenfield, Hepner, Humber, Kelly, J. N., Kelly, W. M., Langhorne, Leehey, Lewis, Longstaff, McIntire, Metlen, Newton, Owens, Owsley, Penwell, Power, Ramsey, Shovlin, Stanton, Warren, Woods, Mr. Speaker—26.

Absent—Bourne, Clem, Cochran, Loeb, McCabe, Morgan, O'Connor, Phillips, Stork, Sullivan, Whiteside—11.

House Bill No. 275 was read first and second time and referred to Judiciary Committee.

House Bill No. 276 on account of not having been introduced by error same was withdrawn.

House Bill No. 277 was read first and second time and referred to Judiciary Committee.

House Bill No. 278 was read first and second time and referred to Committee on Affairs of Cities.

House Bill No. 279 was read first and second time and referred to Committee on State Boards and Officers.

REPORTS OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report and return House Bill No. 69 An Act repealing Section 162 and amending Section 163 of Article II of the Political Code of Montana relating to officers of the Legislative Assembly correctly enrolled.

Also House Bill No. 51 An Act entitled An Act to amend Section 3162 of the Code of Civil Procedure, correctly enrolled.

Also House Bill No. 58 An Act to amend Section 1641 of Chapter IX of Title XI of Part II of the Code of Civil Procedure of the State of Montana relating to Executions from the Justice of the Peace Courts," correctly enrolled.

Also House Bill No. 68 An Act to amend Sections 1632 and 1633 of Chapter VIII, of Title XI of Part II of the Code of Civil Procedure of the State of Montana relating to abstracts of Justice of the Peace Judgments, correctly enrolled.

Also House Bill No. 22 An Act regulating the hours of labor of Hoisting Engineers and fixing the penalty for violation thereof, correctly enrolled.

Also House Joint Memorial No. 2 House Joint Memorial to Congress correctly enrolled.

Also Substitute for House Joint Memorial No. 1 House Joint Memorial to Congress.

Also House Joint Memorial to Congress No. 3, correctly enrolled.

McINTIRE. Chairman.

House Bill No. 280 was read first and second time and referred to Printing Committee.

On motion of Carroll the House took a recess until 1:30 P. M.

AFTERNOON SESSION.

1:30 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report the following Bills as properly engrossed. House Bill No. 75 and 78 and House Joint Memorial No. 4.

C. F. STORK,
Chairman.

On motion of Evans the rules were suspended and the House took up the Order of Business No. 9 consideration of Messages from the Governor and Senate:

MESSAGES FROM THE SENATE.

The following communications were received:

Senate Chamber,
Helena, Montana, February 12th, 1897.

Mr. Speaker:

I am directed by the Senate to inform you that the following bill was introduced:

By Committee on Public Morals:

Senate Bill No. 93, A Bill for an Act to confer certain powers upon any society organized for the purpose of providing homes for homeless children and upon Mayors, County Commissioners and Justices of the Peace in regard to the care of indigent children.

The Senate has passed Substitute for Senate Bill No. 35 which is herewith transmitted for your concurrence.

Yours Respectfully,
H. S. CORBLY.
Secretary.

Senate Chamber,
Helena, Montana, February 15th, 1897.

Mr. Speaker:

I am directed by the Senate to inform you that the Senate has passed the following bills:

Senate Bills Nos. 44, 77, 76, 75, 68 and 15.

Said bills are herewith transmitted for your concurrence.

The following notices of introduction of bills were given:

By Judiciary Committee:

A Bill for an act to amend Section 4233 of the Political Code of Montana, relating to County Printing.

By Judiciary Committee:

A Bill amending Sections 2351, 2352, and 2353 of the Penal Code, relating to bail.

The following bills were introduced:

By Auld:

Senate Bill No. 94, A Bill for an Act entitled an Act amending Sections 320 and 321, Article 9, Chapter 1, Title 3, of the Code of Civil Procedure, providing for the drawing of Grand Juries.

By Committee on Public Lands:

Senate Bill No. 95, A Bill for an Act to amend Sections 3530 to 3547 inclusive, Article 2, Title 8, Part 3, of the Political Code of the State of Montana, and to add thereto Section 3548 to 3559 inclusive, relating to the creation of an arid land commission.

By Smead:

Senate Bill No. 95, A Bill for an Act to provide for the re-appraisement of fourth class public school lands within the State of Montana.

JOHN BLOOR,
Secretary of Senate.

SPECIAL ORDERS.

The hour having arrived for which Senate Bill No. 6 was made a special order the House resolved itself into Committee of the Whole for its consideration.

Longstaff in the chair.

House resumed.

Mr. Speaker in the chair.

MESSAGES FROM THE GOVERNOR.

The following communications were received:

Executive Office, Montana,
Helena, Montana, February 16, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

Herewith I hand you statement of amount needed for supplies and Legislatice printing, also the amount appropriated in 1895 for the same purposes so that you may compare the same and make the necessary appropriations.

Respectfully,
ROBT. B. SMITH,
Governor.

Executive Office, Montana,
Helena, Montana, February 16, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I herewith transmit for your consideration statement of deficiency claims approved by the Board of Examiners in the sum of $675.90 with the bills to which said statement refers.

Respectfully,
ROBT. B. SMITH,
Governor.

The foregoing communications and papers accompanying same were referred to Appropriation Committee.

REFERENCE OF BILLS TO COMMITTEES.

Senate Bill swere read as follows:

Senate Bill No. 42, Bill for an Act to amend Section 2530 of Chapter 3, Article 9, of the Code of Civil Procedure and specifying the disqualifications of judges in probate proceedings.

Read first and second time and referred to the Judiciary Committee.

Senate Bill No. 41, Bill for an Act to amend Section 2860 to 2864, inclusive, being all of Chapter 1, Title 7, Part 3, of the Political Code, providing for a county board of health and defining the powers and duties thereof.

Read first and second time and referred to Committee on Counties and Towns.

Senate Bill No. 36, Bill for an Act declaring unlawful and void all trusts or combinations created with a view to prevent competition in trade in the the State of Montana, and to provide penalties for the violation of this act.

Read first and second times and referred to the Labor Committee.

Substitute for Senate Bill No. 53, Bill for an Act to amend Sections 4526 and 4531, of Title 3, Part 2, of Division 4 of the Civil Code of the State of Montana, relating to assignments.

Read first and second time and referred to the Judiciary Committee.

Senate Bill No. 48, Bill for an act to amend Section 3591, Article 5, Title 8, Part 3, of the Political Code, relating to the salary of the State Land Register.

Read first and second time and referred to the Committee on Ways and Means.

Senate Bill No. 38, Bill for an act to amend Sections 920 and 921, Article 3, Chapter 6, Part 3, Title 1, of the Political Code of the State of Montana, relating to the duties of Notary Public.

Read first and second time and referred to the Judiciary Committee.

Substitute for S. B. No. 16, Bill for an act to amend Section 953 and 955 of the Civil Code of the State of Montana, relating to live stock killed or injured by railroads.

Read first and second time and referred to the Judiciary Committee.

Recommended by Judiciary Committee, Substitute for Senate Bill No. 12, Bill for an act to amend Section 490 to 506, inclusive, being all of Article 2, of Chapter 3, Title 1, Part 3, Political Code of Montana, providing for the appointment of a State Examiner and defining his duties and powers.

Read first and second time and referred to the Judiciary Committee.

Senate Bill No. 28, Bill for an act to prohibit gambling and to provide for the penalties therefor within the State of Montana.

Read first and second time and referred to the Committee on Ways and Means.

Senate Bill No. 54, Bill for an act to amend Sections 720 and 722 of the Code of Civil Procedure, relating to pleadings in civil actions.

Read first and second time, referred to Judiciary Committee.

Substitute for Senate Bill No. 35, Bill for an act to amend Chapter 12, Title 10, Part 3, of the Political Code by adding thereto four sections to be numbered 4024, 4025, 4026 and 4027, providing for the payment of taxes, licenses, or other demands for public revenue, when deemed unlawful, under protest and for the recovery thereof when so paid.

Read first and second times and referred to the committee on Judiciary.

Senate Bill No. 44, Bill for an act to amend Sections 1711, 1743, 1756, 1758, 1797, Subdivision 15, 1830, Subdivision 3, 1848, 1862, 1902, 1903, 1904, 1940 of Part 3, Title 3, of Political Code relating to education.

Read first and second time and referred to Committee on Education.

Senate Bill No. 77, Bill for an act to amend Section 552 of the Political Code of the State of Montana, concerning the qualification and salary of the assistant inspector of boilers.

Read first and second time and referred to the Committee on State Boards and Officers.

Senate Bill No. 76, Bill for an act to amend Section 550 of the Political Code of the State of Montana, concerning the salary and duties of the inspector of boilers.

Read first and second times and referred to the Committee on State Boards and Officers.

Senate Bill No. 75, Bill for an act to amend Section 875 of the Political Code of the State of Montana, concerning the salary of the Chief Clerk of the Supreme Court.

Read first and second time and referred to the Committee on State Boards and Officers.

Senate Bill No. 68, Bill for an act entitled, an act to repeal section 2360 of the Political Code of the State of Montana, relating to the name of the Deaf and Dumb Asylum.

Read first and second time and referred to the Committee on State Institutions and Public Works.

Senate Bill No. 45, Bill for an act repealing Section 470 and 472, Article 9, Chapter 3, Title 1, Part 3, of Political Code relating to the appointment of a State Land Agent and his annual salary.

Read first and second time and referred to the Committee on State Boards and Officers.

Substitute for Senate Bill No. 30, Bill for an act to amend Section 1292 of the Political Code of Montana, providing that unused ballots shall be preserved.

Read first and second times and referred to Committee on Privileges and Elections.

Senate Bill No. 46, Bill for an act to amend Section 3013, of Article 5, Chapter 5, Title 7, Part 3, Political Code of Montana, relating to the salary of the State Veterinary Surgeon.

Read first and second time, referred to Judiciary Committee.

House Bill No. 281 was read first and second time and referred to Committee on Incorporation and Manufacturing.

House Bill No. 282 was read first and second time and referred to Committee on Ways and Means.

House Bill No. 283 was read first and second time and referred to Committee on Irrigation and Water Rights.

House Bills Nos. 284 and 285, 286, 277 were read first and second times and referred to Judiciary Committee.

House Joint Resolution No. 4 was read first and second time and referred to Committee on Federal Relations.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bills Nos. 70, 80 and Substitute House Bill No. 1 as correctly engrossed.

C. F. STORK,
Chairman.

THIRD READING OF BILLS.

Senate Bill No. 5 was read a third time and passed by the following vote:

Ayes—Bartlett, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Lindsay, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Power, Ramsey, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Warren, Whipple, Woods, Mr. Speaker—52.

Noes—Hewettt—1.

Absent—Armitage, Bourne, Clark, Clem, Cochran, Hart, Humber, Leehey Lewis, Loeb, Phillips, Sanford, Watkins, Whyte, Whiteside—15.

Title agreed to.

Senate Bill No. 19 was read a third time and passed by the following vote:

Ayes—Bartlett, Brown, Bruffy, Buckley, Butler, Campbell, Carroll, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hill, Kelly, J. N. Kelly, W. M., Kennedy, Lindsay, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Power, Ramsey, Shifelbin, Shovlin, Stanton, Stephens, Sullivan, Taylor, Wamsley, Warren, Watkins, Whipple, Woods, Mr. Speaker—49.

Noes—Caldwell, Clark, Dee, Hewett, Langhorne, Morgan, Sanford, Stork —8.

Absent—Armitage, Bourne, Clem, Cochran, Humber, Leehey, Lewis, Loeb, Phillips, Whyte, Whiteside—11.

Title agreed to.

House Bill No. 81 was read third time and passed by the following vote:

Ayes—Bartlett, Brown, Bruffy, Buckley, Butler, Carroll, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kennedy, Lindsay, Longstaff, McCabe, McMahon, McNallly, Morgan, Morton Mulville, Newton, O'Malley, Owens, Perrine, Power, Sanford, Shifelbin, Stanton, Stephens, Stork, Taylor, Wamsley, Watkins, Whipple, Whiteside, Woods —42.

Noes—Campbell, Clark, Kelly, W. M., Langhorne, Leehey, Marcum, McIntire, Metlen, O'Connor, Owsley, Penwell, Shovlin, Sullivan, Warren, Mr. Speaker—15.

Absent—Armitage, Bourne, Caldwell, Clem, Cochran, Humber, Lewis, Loeb Phillips, Ramsey, Whyte—11.

Title amended to read as follows:

"A Bill for an act for the preservation of the lives and health of certain workingmen by the establishment of an 8 hour day in Smelters and other institutions for reduction or refining of ores or metals.

Substitute for House Bill No. 53 was read a third time and passed by the following vote:

Ayes—Bartlett, Brown, Bruffy, Buckley, Campbell, Carroll, Dee, Edwards Elliott, Evans, Gilna, Greenfield, Hill, Kelly, J. N., Kennedy, Langhorne Lindsay, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morton, O'Mally, Owens, Perrine, Sanford, Stanton, Stephens, Stork, Taylor, Wamsley, Watkins, Whipple, Whiteside, Woods—37.

Noes—Butler, Caldwell, Clark, Hart, Hepner, Hewett, Kelly, W: M., Longstaff, Morgan, Mulville, Newton, O'Connor, Owsley, Penwell, Power, Shifelbin, Shovlin, Sullivan, Warren, Mr. Speaker—20.

Absent—Armitage, Bourne, Clem, Cochran, Humber, Leehey, Lewis, Loeb, Phillips, Ramsey, Whyte—11.

Title agreed to.

House Bill No. 83 was read a third time and passed by the following vote:

Ayes—Bartlett, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart Hepner, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Lindsay, Longstaff, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Mallely, Owens, Owsley, Penwell, Perrine, Power, Ramsey, Sanford, Shifelbin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Warren, Watkins, Whipple, Whiteside, Woods, Mr. Speaker—56.

Noes—Hewett—1.

Absent—Armitage, Bourne, Clem, Humber, Leehey, Lewis, Loeb, Marcum, Phillips, Shovlin,, Whyte—11.

Title agreed to.

House Bill No. 87 was read a third time and passed by the following vote:

Ayes—Bartlett, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Lindsay, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owsley, Penwell, Power, Ramsey, Sanford, Shifelbin, Stanton, Stephens, Stork, Taylor, Warren, Whiteside, Woods, Mr. Speaker—51.

Noes—Owens, Perrine, Watkins—3.

Absent—Armitage, Bourne, Clem, Humber, Leehey, Lewis, Loeb. McCabe, Phillips, Shovlin, Sullivan, Wamsley, Whipple, Whyte—14.

Title agreed to.

On motion of Langhorne the House adjourned.

DAVID MARKS,
Chief Clerk.

FORTY-FIFTH DAY.

House of Representatives,
Helena, Montana, February 17, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Forty-fourth day read and approved.

Mr. Speaker pro tem announced the signing of House Bills Nos. 22, 68, 58, 51, 69 and House Joint Memorials Nos. 1, 2, and 3.

NOTICES OF INTRODUCTION OF BILLS.

Notices of bills to be introduced were given as follows:

By J. N. Kelly:

Bill to amend Sections 684, 685 and 686 of Penal Code, relating to the duties of city marshals.

By Bartlett:

Bill for an act entitled An Act to amend Subdivision 3, of Section 410, Article 5, Chapter 3, Title 1, Part 3, of the Political Code, relating to the fees of the Secretary of State.

By Cochran:

Bill for an act appropriating moneys for the maintenance of certain state institutions and salaries of state officers.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

We your Committee on Roads and Highways, to whom was referred House Bill No. 270, report the same back with the recommendation that it do pass.

G. A. BRUFFY,
Chairman.

House Bill No. 270 was ordered printed.

The following reports were received:

Mr. Speaker:

Your Committee on Agriculture and Stock Growing, to whom was referred House Bill No. 259, having had the same under consideration, respectfully report same back to you, with recommendation that it be ordered printed and placed on General Orders.

BROWN,
Chairman.

Mr. Speaker:

Your Committee on Agriculture and Stock Growing, to whom was referred House Bill No. 251, having had the same under consideration, respectfully report same back to you, with recommendation that it be ordered printed and placed on General Orders.

BROWN,
Chairman.

Mr. Speaker:

Your Committee on Agriculture and Stock Growing, to whom was referred House Bill No. 200, having had same under consideration, report same back with recommendation that it be printed and placed on General Orders.

BROWN,
Chairman.

Mr. Speaker:

Your Committee on Agriculture and Stock Growing, to whom was referred House Bill No. 235, having had the same under consideration, respectfully report same back to you, with recommendation that it do pass.

BROWN,
Chairman.

House Bills Nos. 259, 251, 200 and 235 were ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration Senate Bill No. 24, relating to the payment of taxes, have instructed me, in view of the fact that the bill would be in conflict with many of the present revenue laws of the State, and as it would materially complicate the transaction of business, that the Bill be not concurred in.

RAMSEY,
Chairman.

In the opinion of your Committee the Shovlin Bill known as House Bill No. 63 is shorter, and preferable to Senate Bill No. 24 being less complicated and less liable to lead to confusion. This Bill however, needs amendments as to details and as to its effect upon other sections of the statute relating to the collection of taxes and we recommend that it be referred back to the introducer for correction and enlargement.

RAMSEY,
Chairman.

On motion of Ramsey House Bill No. 63 was referred to its introducer Mr. Shovlin.

Senate Bill No. 24 being less complicated and less liable to lead to confusion, this bill however needs amendments as to details and as its effect upon other sections of the statute relating to the collection of taxes and we, recommend that it be referred back to the introducer for correction and anlargement.

RAMSEY,
Chairman.

Mr. Speaker:

Your Committee on Ways and Means having had under consideration House Bill No. 12 inrtoduced by Loeb relating to the farming out of county funds have instructed me to return the same for indefinite postponment.

RAMSEY.
Chairman.

On motion of Loeb House Bill No. 12 was ordered printed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Buckley, Butler, Carroll, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Kennedy, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, Morton, Mulville, Newton, O'Malley, Owens, Penwell, Perrine, Phillips, Power, Sanford, Shifelbin, Stephens, Stork, Sullivan, Taylor, Watkins, Whyte—41.

Noes—Caldwell Campbell, Clark, Cochran, Humber, Kelly, J. N., Langhorne, Metlen, Morgan, Owsley, Ramsey, Shovlin, Woods—13.

Absent—Bourne, Clem, Kelly, W. M., Leehey, Lindsay, Lewis, McNally, O'Connor, Stanton, Wamsley, Warren, Whipple, Whiteside, Mr. Speaker—14.

It was ordered that House Bill No. 13 remain at the bottom of General Orders until the return of House Bill No. 12 from the Committee on Printing.

REPORT OF STANDING COMMITTEES.

The following reports were received:

Mr. Speaker:

Your Committee on Ways and Means having had under consideration House Bill No. 230, introduced by Martin Dee, have instructed me to return the same with the recommendation that it do pass.

RAMSEY,
Chairman.

Mr. Speaker:

Your Committee on Ways and Means having had under consideration House Bill No. 103 for the relief of certain persons for furnishing supplies and for services rendered the State Reform School in the year 1896, and introduced by the Committee on Appropriations have instructed me to return the same with the recommendation that it do pass.

RAMSEY,
Chairman.

Mr. Speaker:

Your Committee on Ways and Means having had under consideration House Bill No. 163 introduced by O'Connor, and relating to the salaries of deputy clerks to county officers, have instructed me to return the same with the recommendation that it be indefinitely postponed, as the same subject is treated in the substitute for House Bill No. 185.

RAMSEY,
Chairman.

On motion of Greenfield the reports were adopted and House Bills Nos. 230 and 103 were ordered printed and House Bill No. 163 was indefinitely postponed.

The following reports were received:

Mr. Speaker:

Your Committee on Ways and Means having had under consideration House Bill No. 227, have instructed me to report the same back to the House with the following amendments: That the word "shall" in line 9 of Section 3844 as proposed in the Bill, shall be amended to read "on or before the second Monday in January." That the word "one" in line 5 of Section 3888 as proposed in the Bill, be changed to the word "two." That the period in line 17 of Section 3895 as proposed in the Bill, be made a comma, and that there be added the words "subsequent taxes and penalties." After the word "treasurer" in line 23 of Section 3895 as proposed in the Bill, the words "in addition to the notices hereinbefore required," be added. That there shall be added to Section 3913 as proposed in the Bill, the words "provided further, that where the title obtained at a tax sale fails by reason of illegality of the proceedings, either in assessment, publication or sale of said property or otherwise, that the board of county commissioners shall order the treasure to refund to such purchaser at any tax sale, the amount paid by him together with interest at the rate of seven per cent per annum."

RAMSEY,
Chairman.

Mr. Speaker:

Senate Bill No. 29 having been referred to the Ways and Means Committee, and being on a kindred subject with Mr. Stephens' Bill, House Bill No. 227, relating to taxes, the Committee have instructed me to report the same back to the House with the suggestion that a conference committee be appointed for the consideration of House Bill No. 227 and Senate Bill No. 29.

RAMSEY,
Chairman.

On motion the foregoing reports were adopted and House Bill No. 227 and Senate Bill No. 29 were referred to a conference committee consisting of Clark, Elliott, and Ramsey.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means having had under consideration

House Bill No. 213, have instructed me to return the same with the recommendation that the bill be printed.

RAMSEY,
Chairman.

House Bill No. 213 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means having had under consideration House Bill No. 272, introduced by Langhorne and relating to the licensing and selling of cigarettes, have instructed me to return the same with the recommendation that it do not pass.

RAMSEY,
Chairman.

On motion of Lindsay House Bill No. 272 was indefinitely postponed.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means having had under consideration House Bill No. 233, introduced by Elliott, have instructed me to return the same with the recommendation that the bill be printed.

RAMSEY,
Chairman.

House Bill No. 233 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 15, 16, 144, 187, 208, substitutes for 211, 217, substitute for 238, 245 and 257 beg leave to report that the same have been properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 15, 16, 144, 187, 208, Substitute 211, 217, Substitute 238, 245 and 257 were placed on General Orders.

The following report was received:

Mr. Speaker:

The Ways and Means Committee having had under consideration Senate Bill No. 27, introduced by Chandler, and relating to the payment of salaries of county officers, have instructed me to report the same back to the House with the recommendation that it do pass.

RAMSEY,
Chairman.

Senate Bill No. 27 was placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration Senate Bill No. 6, "A Bill for an Act providing for the appointment of a meat inspector in cities having ten thousand inhabitants or over in the State of Montana, and prescribing the duties and powers of such inspector, and to regulate the sale of stock, milk and meat for the purposes of food and prescribing the penalties for violation of the provisions of this Act," report that they have considered and amended the same and refer the Bill, as amended, back to the House with the recommendation that it be concurred in.

LONGSTAFF,
Chairman.

On motion of Kennedy the report was adopted and the amendments to Senate Bill No. 6 were ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means having had under consideration House Bill No. 179 introduced by Watkins, and providing for the issuance of script have instructed me to report the same back with the recommendation that it be indefinitely postponed because it is in conflict with Section 10, Article I of the Constitution of the United States, which says: "No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money, Emit Bills of Credit; Make anything but Gold and Silver Coin a Tender in Payment of Debts.

RAMSEY,
Chairman.

On motion of Watkins House Bill No. 179 was ordered printed.

The following report was received:

REPORT OF SPECIAL COMMITTEE.

Helena, Montana, February 17, 1897.

To the Senate and House of Representatives:

Your Joint Committee appointed to investigate the State Reform School at Miles City, report that we gave this institution a thorough and impartial investigation, that we took the testimony of over one hundred witnesses, and after due consideration, we beg leave to submit to this Honorable Body the following report: We find that this Home is at all times kept in a state of perfect cleanliness, but that the sanitary conditions connected with this institution are such as can only breed disease. We were indeed surprised to find such a state of affairs regarding the most important item connected with this institution; we would therefore recommend to this Honorable Body that a small appropriation be made to complete a sewerage system which in our estimation would hinder the spreading of contagious diseases.

We believe, after a most searching and thorough investigation as to the modes of punishment and the offenses committed, that the superintendent of this institution is entirely too severe in his punishment of these children. The punishment for trifling offenses is entirely too great and has caused every inmate of this Home to become discouraged and long for freedom. Out of sixty-three children who are inmates of this institution we find but two who had not received severe whipping. While we believe in corporal punishment being administered for just causes, we do not believe that it should be administered as it has been done for such small offenses such as talking to each other in line, talking in the dormitory at night, talking to each other at the table, for not being competent in sewing a patch on a garment to specially please the seamstress, from accidentally spilling water, breaking dishes or making unintentional mistakes, for not getting the stitches close enough on clothing and many like petty offenses; except in extreme cases. Corporal punishment oftentimes administered for these small offenses is certainly brutal and cruel, and the regularity with which the thick heavy strap is administered to the children, we feel has caused the superintendent to forget the power of his right arm. We find that the boys and girls are often times beaten upon the cords of the wrists with a ruler or strap hard enough to cause the wrist to swell to twice its natural size. We find that the girls have at times been severely punished for having occasion to use the chamber at night. One of the rules of this establishment is that they are allowed to go in a body at different hours of the day to the outside closet, but after six o'clock at night, under no consideration except when sick, are they allowed to obey the calls of nature until seven o'clock. Any violation of this rule causes a severe punishment with a strap to the girl who violates it, and when the physician of the institution was made aware of this inhumane rule, he at once pronounced it cruel and a crime against nature;—The children are often times whipped black and blue for petty offenses. We find that the male superintendent at different times has punished the girls himself by raising their dresses and administering strokes with a leather strap.

We recommend to you that in the future the matron or female employes alone be allowed to administer punishment to the female inmates of this Home.

We find after careful investigation that one of the girl inmates, by the name of Bell, was sick and for complaining of such sickness she was severely punished. The next day she was removed to the hospital and treated for diphtheria, and in a few days she died. The physician of the Institution informed us that her death was caused by heart failure. In this connection we find that many of the inmates, who have at different times complained of illness and who we are satisfied were justified in their complaint, have been seriously whipped. While there are cases of feigned illness, in which the offender should receive punishment, we believe that the cases of complaint have not been thoroughly investigated and they have been too readily punished for such complaints. At two different times have children accidentally been struck over the eye and forced to carry a black mark for days.

At different times when the boys have complained to the trustees, who we hold had a perfect right to receive their complaints, they have been severely punished for so doing—one instance being when they asked for better food.

The whip is not the only instrument used for punishment, but often times the superintendent has used a wooden lath, and at one time with his bare hand heavily slapped for a slight disobedience which caused marks to remain upon the boys face for several days.

We believe that the superintendent allows too much power to a certain teacher named Estep. We have investigated the actions of this teacher and most warmly recommend that he at once be discharged. One favorite mode of punishment administered by this teacher is to throw a silver dollar at the boys and in one instance the missile struck the boy and caused a cut on his head from which the blood flowed freely. This same teacher in open school accused, humiliated and made fun of a boy blaming him for an unnatural crime.

For boys who attemtp to escape, the mode of punishment is in placing shackles on their feet—in several cases keeping them on from two to six months, at all times, not even removing them at night. In the penitentiary this might be necessary, but your committee believe that in a reform school it is inhuman and unjust. The favorite position in which boys are placed when whipped is to force them flat upon a barrel, his coat having been removed, when he is at the mercy of the chastiser. The most unjust punishment that has been administered is, in our opinion, in the cases of ignorant boys who cannot read, being whipped for not being able to commit a verse of the Bile to memory, or in failing to learn their Golden Text. It has seemed to us impossible for them in their ignorance to learn such verses as required and we believe that this rule should be eliminated. In this institution there are many simple minded boys, who in their ignorance, make mistakes. Some allowance should be made for them, yet they are looked upon the same as are those of a more intelligent mind, and if anything, because of their ignorance they are punished more severely.

In conclusion we recommend that the superintendent's salary be reduced from $125.00 per month to $100.00 per month; that a record be kept of each violation of the rules and the punishment administered therefor and the dates of same and the name of the employee who administered punishment.

Wee also recommend the abolition of the above unjust and inhuman rules. We are perfectly satisfied that the suspicions and rumors of criminal intimacy in the school are unjust to the trustees, manager and employees.

We recommend that the mouth pads that are placed upon the girls' mouths to restrain them from talking be dispensed with, as we believe it is barbarous and should not be permitted in an institution in the great commonwealth of Montana.

We find that the best treatment is given to the inmates during sickness, and firmly believe that no improvement could be made in this particular point.

We recommend for the girls department a number of bath tubs, abolishing the system of causing the girls to bath in common wash bowls.

We believe that the trustees and the people of Miles City are not conversant with the true facts regarding the punishment at the reform school, and we most heartily recommend that the Board of Trustees be more rigid, that they administer more authority, and as much as possible specify all of the workings of the institution. We recommend that the rules be printed as near as possible for the information of the new inmates, as under the old system the children have to learn the rules by experience, and the experience means the strap.

At one time an investigation of the Reform School was demanded by a number of the citizens of Miles City, and the Board of Trustees at once investigated the conditions and affairs and reported that everything was satisfactory.

While wo do not hold that the present superintendent is incompetent, we most firmly believe that he is too severe, and that under the present rule the Home might be better named a house of correction than a reform school.

We find as a class that the boys are not overly disobedient, and we believe with kind treatment that a vast number of them will leave the institution with the desire to become good and honest citizens.

In the matters of finance, which was our main object for investigating this institution, we find that the appropriation asked for to maintain this institution is exceedingly and excessively high. We heartily recommend that the inmates of this school be given better food, but we believe that better food can be given them for much less than is asked. The amounts asked for food exceed by far the per capita the expenses of the majority of the people of this state. We do not report that there has been juggling with the State's money but if it requires the amount asked for to run this institution, we believe there must be gross mismanagement of finances. The children even at the exorbitant prices asked for receive butter but twice a week, meat once a week, one dry piece of bread at each meal and coffee but once a day. In our opinion this institution raises enough vegetables to run the entire institution and have them to market; we therefore, Mr. Speaker and Gentlemen, ask that you request your Appropriation Committee to make the following appropriation for the maintenance of the institution during this year allowing for fifteen more inmates and for a like number for the following year. We believe that the following appropriations with good management will thoroughly cover the expenses that will be required to maintain this school for 1897:

Clothes for boys' department	$ 600.00
Clothes for girls' department	175.00
Groceries, meats and provisions	3,600.00
Live stock and feed	250.00
Officers salaries for boys' and girls' department	7,800.00
(Which includes a musical instructor at $40 a month and which this institution should be allowed.)	
Trustees' services and expenses	225.00
Fuel and lights	2,000.00
Stationery, school books, etc	100.00
Paints and varnishes for buildings	50.00
Blacksmithing, horseshoing and repairing	125.00

For physician and medicines for institution	175.00
Seed for farm and garden	125.00
Water rent for irrigating purposes	200.00
Furniture and fixtures for new buildings	400.00
Fruit trees	100.00
Bed clothing	100.00
Repairing plumbing in girls' building	200.00
Total	$16,225.00

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Clothing for boys' department	$ 700.00
Clothing for girls' department	210.00
Groceries, meats and provisions	4,400.00
Live stock	250.00
Officers' salary for institution	7,800.00
Trustees expenses and services	225.00
Fuel and lights	2,000.00
Stationery, school books, etc	125.00
Paints, etc	235.00
Blacksmithing, horseshoing and repairing	125.00
Physician and medicines	175.00
Seed for farm and garden	125.00
Water rent for irrigating purposes	200.00
Furniture and fixtures	400.00
Bed clothing	115.00
Total	$16,875.00

Cost for sewer and drain for State Reform School 6 in. sewer pipe	$ 1,000.00
6 inch drain tile	225.00
Ten per cent for breakage	12.25
Catch basin at artesian well	100.00
Laying pipe and tile	125.00
Cement and joints	53.50
Timber for crib and sheet piling for twelve ft. cut	280.70
Total	$1,796.45

This appropriation allowed for this institution is $17,514.09 less than the appropriation asked for, and we believe that this amount allowed this school is sufficient to give them better food and better clothes than they have been given in the past. Under no consideration do we desire to cripple this institution and we consequently have been very careful and very particular in our examinations and at all times refused to take the testimony of discharged employees.

The information submitted in the foregoing report as to the condition of the institution and punishment administered to the children was obtained by examination of witnesses under oath, which witnesses consisted of the children confined therin, employeees of the institution, and prominent citizens of Mile City. The full evidence was taken down by a stenographer and is in our possession.

We most heartily recommend to this Honorable Body that this report as read be adopted and copies sent to the trustees and superintendent of this institution.

W. H. COCHRAN, Chairman.
ALEX METZEL,
FRANK LONGSTAFF.

On motion of Lindsay the report was adopted, the same was ordered printed and when so printed the same be placed on General Orders.

On motion of Elliott the House took a recess until 1:30 P. M.

AFTERNOON SESSION.

1:30 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

The following communication was received:

MESSAGES FROM THE GOVERNOR.

Executive Office,
Helena, Montana, February 17, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I herewith transmit Deficiency Bill No. 25 for the year 1896, approved by the Board of Examiners in the sum of $2,008.73, and recommend that you do make an appropriation to pay the same.

Very Respectfully,
ROBERT B. SMITH,
Governor.

The communication and accompanying papers were referred to the Committee on Appropriations.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Lindsay:

House Bill No. 287, Bill for an act to amend section 4315 of Part 4, Title

2, Chapter 3, Article 1, of the Political Code, relating to the term of the assessor.

Read first and second time and referred to the Judiciary Committee.

By Bartlett:

House Bill No. 288, Bill for an Act entitled an Act to amend subdivision 3, of Section 410, Article 5, Chapter 3, Title 1, Part 3, of the Political Code, relating to the fees of the secretary of state.

Read first and second times and referred to the Committee on State Boards and Officers.

By Whipple:

House Bill No. 289, Bill for an act appropriating money for the relief of Robert Saurey.

Read first and second time and referred to the Committee on Appropriations.

By Leehey:

House Bill No. 290, Bill for an act to amend section 448 of the Civil Code of the State of Montana, Part 4, of Division 1, of said Code, relating to the place of holding meetings of stockholders and boards of directors or corporations.

Read first and second time and referred to the Committee on Judiciary.

By Armitage:

House Bill No. 291, Bill for an act providing for the classing of the plant known by the several names of White Melilotus, Sweet Clover, Bokhara, and Tree Clover, as a nuisance, and providing certain penalties.

Read first and second time and referred to the Committee on Agriculture and Stock Growing.

By Committee on Ways and Means:

House Bill No. 292, Bill for an act to amend Section 4220 of Article 1, Chapter II, Title 2, Part 4, of the Political Code of the State of Montana.

Read first and second time and referred to the Printing Committee.

The following communication was received:

MESSAGES FROM THE SENATE.

Senate Chamber,
Helena, Montana, February 16th, 1897.

Mr. Speaker:

I am directed by the Senate to inform you that the Senate has passed Senate Bill No. 88 and substitute for Senate Bill No. 66, which said bills are herewith transmitted for your concurrence.

The following notice of the introduction of a bill was read:

By Chandler:

A bill for an act to provide for the appointment of a Board of Sheep Commissioners, and defining their powers and duties.

Respectfully,
JOHN BLOOR,
Secretary of Senate.

The following Senate Bills were read first and second time:

Substitute for Senate Bill No. 66, recommended by Judiciary Committee, "A Bill for an Act to amend Section 4813, Article 4, Chapter 3, Part 4, of the Political Code relating to the granting of franchise or privileges by municipal corporations," referred to Judiciary Committee.

Senate Bill No. 88, introduced by Committee on Finance and Claims, "A Bill for an Act to amend Section 890 of the Political Code, of the State of Montana, relating to the appointment, qualification and salary of the reporter of the Supreme Court," referred to the Judiciary Committee.

THIRD READING OF BILLS.

House Bill No. 75 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Buckley, Campbell, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hewett, Hill, Kelly, J. N., Kennedy, Leehey, Lewis, Longstaff, McIntire, McMahon, McNally, Metlen, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Perrine, Phillips, Power, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Taylor, Wamsley, Watkins, Whipple, Whyte, Whiteside, Woods—46.

Noes—Bruffy, Butler, Caldwell, Carroll, Clark, Hepner, Humber, Langhorne, Loeb, Marcum, Morgan, Owsley, Penwell, Ramsey, Sullivan, Warren —16.

Absent—Armitage, Clem, Kelly, W. M., Mr. Speaker—4.

Paired—Lindsay, McCabe—2.

Title agreed to.

House Bill No. 77 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, W. M., Kennedy, Langhorne, Leehey, Lewis, Loeb, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens Owsley, Penwell, Perrine, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Stork, Sullivan, Taylor, Watkins, Whipple, Whyte, Woods—57.

Noes—None.

Absent—Armitage Clem, Kelly, J. N., Lindsay, McCabe, Phillips, Stanton, Wamsley, Warren, Whiteside, Mr. Speaker—11.

Title agreed to.

House Bill No. 134 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kennedy, Langhorne, Leehey, Lindsay, Loeb, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens Stork, Sullivan, Taylor, Watkins, Whipple, Woods—57.

Noes—None.

Absent—Armitage, Clem, Kelly, W. M., Lewis, McCabe, O'Connor, Wamsley, Warren, Whyte, Whiteside, Mr. Speaker—11.

Title agreed to.

House Bill No. 135 was read a third time and passed by the following vote:

Ayes--Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Loeb, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Woods—61.

Noes—None.

Absent—Clem, Kelly, W. M., Lewis, McCabe, O'Connor, Wamsley, Mr. Speaker—7.

Title agreed to.

House Bill No. 56 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Carroll, Clark, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Loeb, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Mallley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whyte, Woods—58.

Noes—None.

Absent—Campbell, Clem, Kelly, W. M., Lewis, McCabe, O'Connor, Wamsley, Whipple, Whiteside, Mr. Speaker—10.

Title agreed to.

House Bill No. 78 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Carroll, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hewett, Hill, Humber, Kennedy, Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, McIntire, McMahon, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shovlin, Stanton, Stephens, Sullivan, Taylor, Warren, Watkins, Whyte, Woods—54.

Noes—None.

Absent—Campbell, Clark, Clem, Hart, Kelly, J. N., Kelly, W. M., McCabe, McNally, Shifelbin, Stork, Wamsley, Whipple, Whiteside, Mr. Speaker —14.

Title agreed to.

House Joint Memorial No. 4 was read and passed by the following vote:

Ayes—Bartlett, Brown, Bruffy, Buckley, Butler, Caldwell, Carroll, Clark, Cochran, Dee, Edwards, Elliott, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Kennedy, Leehey, Lindsay, Lewis, Loeb, Longstaff, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Penwell, Perrine, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Sullivan, Taylor, Warren, Watkins, Whyte, Woods—49.

Noes—Humber, Marcum—2.

Absent—Armitage, Bourne, Campbell, Clem, Evans, Kelly, J. N., Kelly, W. M., Langhorne, McCabe, Owsley, Phillips, Stanton, Stork, Wamsley, Whipple, Whiteside, Mr. Speaker—17.

House Bill No. 80 was read a third time and passed by the following vote:

Ayes—Bartlett, Brown, Bruffy, Buckley, Butler, Caldwell, Carroll, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hewett, Kennedy, Leehey, Loeb, McIntire, McMahon, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, Owens, Ramsey, Sanford, Shovlin, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Woods—37.

Noes—Campbell, Clark, Hill, Lindsay, Longstaff, Marcum, McNally, Owsley, Perrine, Power, Shifelbin—11.

Absent—Armitage, Bourne, Clem, Cochran, Hart, Humber, Kelly, J. N., Kelly, W. M., Langhorne, Lewis, McCabe, O'Malley, Penwell, Phillips, Stanton, Wamsley, Whipple, Whyte, Whiteside, Mr. Speaker—20.

Title agreed to.

House Bill No. 70 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Humber, Kennedy, Langhorne, Leehey, Lindsay, Loeb, Longstaff, Marcum, McIntire, Metlen, Morgan, Morton, Newton, O'Connor, Owsley, Penwell, Phillips, Ramsey, Sanford Stanton, Stephens, Sullivan, Taylor, Warren, Whipple—39.

Noes—Buckley, Gilna, Hewett, McMahon, McNally, Mulville, O'Malley, Owens, Perrine, Power, Shifelbin, Shovlin, Watkins, Woods—14.

Absent—Armitage, Clem, Cochran, Dee, Hart, Hill, Kelly, J. N., Kelly, W. M. Lewis, McCabe, Stork, Wamsley, Whyte, Whiteside, Mr. Speaker—15.

Title agreed to.

Substitute for House Bill No. 1 was read a third time, Stanton announced a pair between himself and Campbell, Mr. Speaker pro tem decided that after the call of the roll on a bill pairs could not be announced.

A motion that Stanton be excused from voting was lost.

The roll call proceeded with and completed on Substitute for House Bill No. 1 and pending the announcement of the result by Mr. Speaker.

Carroll moved that Campbell and Stanton be not excused from voting.

On motion of Whiteside the motion of Carroll was laid on the table by the following vote:

Ayes—Armitage, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Clark Cochran, Dee, Greenfield, Hart, Hepner, Humber, Kelly, J. N., Langhorne, Lewis, Loeb, Marcum, McIntire, McNally, Metlen, Morgan, Newton, O'Connor, Owsley, Penwell, Phillips, Power, Ramsey, Shovlin, Stephens, Sullivan, Taylor, Wamsley, Warren, Whiteside, Woods—38.

Noes—Bartlett, Carroll, Edwards, Elliott, Evans, Gilna, Hewett, Hill, Kennedy, Lindsay, Longstaff, McMahon, Morton, Mulville, O'Malley, Owens, Perrine, Sanford, Shifelbin, Stork, Watkins, Whyte—22.

Absent—Campbell, Clem, Kelly, W. M., Leehey, McCabe, Stanton, Whipple, Mr. Speaker—8.

Mr. Speaker pro tem thereupon announced the result of the vote on Substitute for House Bill No. 1 and declared the same passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Buckley, Caldwell, Carroll, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hewett, Hill, Kennedy, Leehey, Lindsay, Loeb, Longstaff, McIntire, McMahon, Metlen, Morgan, Morton, Mulville, O'Malley, Owens, Perrine, Power, Ramsey, Sanford, Shifelbin, Stephens, Stork, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside —43.

Noes—Bourne, Bruffy, Clark, Hart, Humber, Kelly, J. N., Langhorne, Lewis, Marcum, McNally, Newton, O'Connor, Owsley, Penwell, Phillips, Shovlin, Sullivan, Wamsley, Woods—19.

Absent—Campbell, Clem, Kelly, W. M., McCabe, Stanton, Mr. Speaker—6.

Title amended to read:

"A Bill for an act to create a Board of text-book commissioners for the purpose of establishing a uniform series of text-books for the public schools of Montana and to regulate the supply of the same, defining the duties and powers of said Board, and to appropriate for their expenses a sum of money therein named."

The following was received:

Mr. Speaker:

The citizens of Broadwater County desire to extend a cordial invitation to yourself and members of this House with their families together with all attaches of the House to join them in celebrating the creation of Broadwater County, at Townsend, Friday evening February 19, 1897.

A special train for the accommodation of our party will leave the Northern Pacific R. R. depot at 7:15 P. M.

INVITATION COMMITTEE OF BROADWATER
COUNTY CELEBRATION.

On motion of Bourne the invitation was accepted by the House.

On motion of Leehey the House took a recess until 9:45 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

FORTY-SIXTH DAY.

House of Representatives,
Helena, Montana, February 18th, 1897.

House resumed at 9:30 A. M.

Mr. Speaker pro tem in the chair.

Roll called, quorum present.

Prayer by the Chaplain.

Journal of Forty-fifth day read and approved.

Elliott was excused for the day.

Cochran moved that Clark be excused from Saturdays session.

Motion lost.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration House Bill No. 128 have adopted the accompanying amendments to the bill and as so amended recommend that the bill do pass.

STEPHENS.
Chairman.

On motion of Langhorne the amendments to House Bill No. 128 were adopted and the bill as amended was ordered engrossed.

GENERAL ORDERS.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Hewett in the chair.

House resumed.

Mr. Speaker pro tem in the chair.

Hewett of Committee of the Whole reported progress and leave was granted to sit again.

On motion of Humber the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

The following report was received:

Mr. Speaker:

The Steering Committee would recommend that the following Bills be placed at the head of the Calendar on General Orders, and be considered in the order stated:

Complete consideration of House Bills No. 123, being a Substitute providing for the protection of game, fish, and fur-bearing animals, and then take up House Bill No. 166, providing for the submission to the electors of an amendment to Section 5, Article 8, of the Constitution, relative of Justices of the Supreme Court.

Substitute for House Bill No. 48, providing for the submission to the qualified electors of the State, of an amendment to the Constitution relating to the method of assessment of railroads. the original having been introduced by Armitage.

House Bill No. 125, to create a Board of Examiners to examine Mine Inspectors, Mine Foremen, and Fire Bosses, and to define their duties, compensation, etc.

House Bill No. 52, introduced by Taylor, relative to allowance of compensation to Trustees of Orphans' Home.

House Bill No. 84, introduced by Newton; Relating to duties of Pharmacists, and providing for the penalties for the violation thereof.

Senate Bill No. 1, providing for the erection, completion, furnishing and equipment for the University of Montana.

House Bill No. 266, introduced by Bruffy.

House Bill No. 253, introduced by Butler,

House Bill Nos. 15 and 16, introduced by Loeb, relating to road legislation. Also 254 by Phillips and 270 by Morgan.

House Bill Nos. 203, 184, 189, 183, 195, 177, 188, 204, 206, relating to Municipal Legislation, and

House Bill No. 86, introduced by Penwell, and extending the boundaries of Lewis and Clarke County.

RAMSEY,
Chairman.

Longstaff moved to adopt the report.

Kennedy moved to amend the report by adding thereto House Bill No. 55.

On motion of Ramsey the amendment was laid upon the table by the following vote:

Ayes—Armitage, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, W. M., Langhorne, Leehey, Loeb, Longstaff, Marcum, McIntire, Metlen, Morgan, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Ramsey, Shovlin, Stanton, Sullivan, Wamsley, Warren, Whiteside, Mr. Speaker—42.

Noes—Bartlett, Buckley, Clem, Edwards, Evans, Gilna, Kelly, J. N., Kennedy, Lindsay, McMahon, McNally, Morton, Mulville, Power, Sanford, Shifelbin, Stephens, Stork, Taylor, Watkins, Whipple, Whyte, Woods—23.

Absent—Elliott Lewis, McCabe—3.

The motion to adopt the report was carried.

The following report was received:

Mr. Speaker:

Your Committee of the Whole to whom was referred various Bills beg leave to report as follows:

We recommend that House Bill No. 129 be placed at the bottom of the calendar.

Recommend that House Bill No. 19 be passed as amended.

Recommend that House Bill No. 23 be passed as amended.

Recommend that House Bill No. 57 be passed as amended.

Having had under consideration House Bill No. 123, we beg leave to sit again for its further consideration.

M. L. HEWETT,
Chairman.

The report was adopted and House Bill No. 129 was ordered to be placed at the bottom of the calendar the amendment to House Bill Nos. 19, 23 and 57 as amended were ordered engrossed.

REPORTS OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Irrigation and Water Rights, have in the limited time at their disposal carefully considered House Bill No. 273 concerning the reclamation of the Arid Lands of the State in compliance with the Carey Act and beg leave to return same to the House with the recommendation that in consideration of its great importance and the magnitude of its scope, and also as the bill is already printed, it be placed on general orders for the consideration of the Whole House. This recommendation however, carries wit it no endorsement from the members of said Committee, but on the contrary we deem it our duty in recommending it for consideration to point out somewhat at length the most noticeable and objectionable features of the Bill.

We deem it in its present shape exceedingly objectionable, and there is grave doubt in the minds of the members of the Committee whether a bill could be framed wherein the possible benefits to accrue would warrant the State in accepting the inevitable risks. The objections we hereby present are:

That its present appearance in general lead us strongly to suspect that it is framed not so much with a view to protect the interests of the State, as to serve the purpose of others interested.

That the Board should consist of not less than seven members, and that they be subject to removal at the discretion of the Governor.

The empowering of five men with the unlimited authority this Act contemplates, and the possibility of involving the State to a large amount. The possibility and probability that settlement and the money received from sales of land will not be more than sufficient to maintain running expenses, and that the land will eventually fall into the hands of the bond-holders, and if sold at all by them, could be in large amounts, and the best lands of the State would thereby be held by corporations and syndicates, to be disposed of by them as they see fit. This would thus nullify the universal intent of the Federal Government and the State in disposing of its domain to actual settlers only, and in limited amounts.

In certain sections of the State where land is held in alternate sections of the State and by a corporation, we believe opportunity for corporations to dispose of their lands to better advantage than the State would make it possible for such corporation to sell all of their land by underbidding before the State could sell any, and at the same time require the State to maintain the Canal.

The fact that any sales of land the State might make with an insperable water right, as they would be compelled to do to sell the land at all, would compel the State to maintain the Canal at whatever cost. Although the implication is and the opinion seems to prevail that the State shall not be liable, the fact that the bonds are countersigned by the Secretary of State, and have the great Seal of the State attached thereto, gives rise to grave doubt as to the ability of the State to be relieved of such responsibility; the fact also that no provision is made for the bonds to read specifically relieving the State from any liability, and the further fact that the only provision in the bill looking towards such relief specifically relates only to contracts for work-done, demands the most careful scrutiny and attention.

Where the State could again be liable, would be in case of the money being exhausted before completion of work and the $12.50 per acre limit reached, and without being able to secure more by bonds. A condition would then confront the State of a lot of land bonded, a canal worthless until completed, and no way of completing it unless the State stepped in and made the necessary advances.

That the bonds draw interest at six per cent payable semiannually, and the interest coupons also draw interest at same rate which would double the principal in twelve to fourteen years.

The State could give no title to settlers, without assuming the obligation of the Bond.

The State must sell any corporation owning land under the Canal an indefeasible right to any amount of water at a price left entirely with Commission.

It is provided that the State Auditor shall examine into any accounts paid by warrant, but does not provide for examination of accounts paid by bonds.

In the exercise of the right of eminent domain where Canals are constructed through a country in which alternate sections are owned by a corporation, the right of way for such a canal might be made a large and unnecessary cost.

The proviso to sell only to settlers 160 acres each is proper, but would not apply should the land go for the bonds when it could then be sold in one immense body if desired.

The Commissioners give no bond, and yet may have the handling of Twelve and one-half Million Dollars.

The proposition is simplified in considering its application to a body of land that could be owned entirely by the State, excepting the few settlers that might be already upon it. In applying it however, to a country in which alternate sections are owned by a corporation, and by the State, and where it would be manifestly impossible to benefit the property of one without an equal advantage to the other, it would appear eminently just that each should bear its share of the burden to secure the advantage.

We believe it to be a subject that demands the best consideration of a committee consisting of the whole House, and that it would be presumptuous for a Committee of seven members in a matter of such magnitude, to recommend either its absolute adoption or rejection.

It can be improved by amendments in the way suggested, but in curtailing the authority of the Commission, their power for good would receive the same check as their power for evil. Our final recommendations are, that in its consideration, its general practicability, safety and expediency should be proven beyond a reasonable doubt, and that it would be better to delay even now than to incur any risk in an experiment on the sale contemplated by this Bill.

T. C. ARMITAGE,
Chairman.

On motion of Watkins the report was adopted and House Bill No. 273 was placed on the General Orders.

NOTICES OF THE INTRODUCTION OF BILLS.

Notices of bills to be introduced were given as follows:

By Longstaff:

Bill for an act to pay employes of the Senate and House, as provided for in Section 209, Part 3, Title 1, Chapter 2, Article 4, and as provided for in Section 223, of Part 3, Title 1, Chapter 2, Article 4, of the Political Code of the State of Montana.

By Sullivan:

Bill for an act to amend Section 401 of the Civil Code of Montana.

By Hepner:

Bill for an act to appropriate money to pay the interest for the years 1897 and 1898, on the bonds of the State of Montana, known respectively as the State Capitol Building bonds, the School of Mines building bonds, and the Deaf and Dumb Asylum bonds.

REPORTS OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means having had under consideration House Bill No. 120, introduced by O'Malley and relating to gambling would ask that the same be printed.

RAMSEY,
Chairman.

House Bill No. 120 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Appropriation, to whom was referred House Bill No. 222, "A Bill for an Act to establish a women's annex to the Soldier's Home Columbia Falls, Montana, and to appropriate therefor sums of money herein named," respectfully report the same back with the recommendation that it be indefinitely postponed.

W. H. COCHRAN,
Chairman.

On motion of Woods House Bill No. 222 was indefinitely postponed.

The following report was received:

Mr. Speaker:

Your Committee on Appropriation, to whom was referred House Bill No. 252, "A Bill for an Act to amend Section 1598 of the Political Code of the State of Montana, relating to the equipment and furnishing of the School of Mines with supplies and apparatus and fixing the amount to be expended therefor," respectfully report the same back with the recommendation that it do pass.

W. H. COCHRAN,
Chairman.

House Bill No. 252 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Joint Resolution No. 3, "House Joint Resolution authorizing the Board of State Prison Commissioners to remove all necessary building material at the Eastern State Prison, at Billings, Montana, to the Western State Prison, at Deer Lodge, and making an appropriation therefor," respectfully report the same back with an amendment, and recommend its passage when so amended.

W. H. COCHRAN,
Chairman.

On motion of Greenfield the report was adopted and House Joint Resolution No. 3 was ordered printed.

On motion of Leehey House Bill No. 277 was recalled from the Committee on Judiciary and referred to the Committee on Printing.

On motion of Woods House Bill No. 214 was recalled from the Committee on Printing and referred to the Committee on Towns and Counties.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report amendments to Senate Bill No. 6 as properly engrossed.

STORK,
Chairman.

Mr. Speaker:

Your Committee on State Lands to which was referred House Bill No. 232 report the same back and recommend that the same be indefinitely postponed.

WHITESIDE,
Chairman.

On motion of Woods House Bill No. 232 was ordered printed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Appropriation Committee:

House Bill No. 293, "A Bill for an Act appropriating money for the payment of the claim of White Caldwell account expense incurred in requisition of R. K. Middleton in the year 1896."

Read first and second time ordered printed.

Also,

House Bill No. 294, "A Bill for an Act appropriating money for the payment of claims of certain persons for services rendered to the State, and for expenses incurred in the maintenance of the Deaf and Dumb Asylum and the Orphans' Home during the year 1896."

Read first and second time ordered printed.

Also,

House Bill No. 295, "A Bill for an Act to appropriate money for the executive and judicial departments of the State government and for the State institutions of Montana for the fiscal years ending December 1st, A. D. 1897, and December 1st, A. D. 1898, was read first and second times and ordered printed.

By Edwards:

House Bill No. 296, "A Bill for an Act to add Section 3337 to Chapter VI., Title VII., of Part III., of the Political Code of the State of Montana, relating to the measurement of logs and timber." was read first and second times and referred to the Committee on State Lands.

MESSAGES FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, February 17th, 1897.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate has refused to concur in House Bill No. 3 and has concurred in House Bill No. 61. Said bills are herewith transmitted.

The Senate has passed Senate Bills Nos. 13, 64, 74, 69, 72, and Substitute for Senate Bill No. 2, which said bills are herewith transmitted for your concurrence.

The following bills were introduced:

By Ramsdell:

Senate Bill No. 97, A Bill for an Act to amend Section 2528, Part 3, Title 5, Chapter 4, Article 4, of the Political Code, relating to the government of the Soldiers' Home.

By Finance Committee:

Senate Bill No. 98, A Bill for an Act providing for the transfer of certain funds from the school income fund of the state.

By Finance Committee:

Senate Bill No. 99, A Bill for an Act providing for the transfer of certain money from the "Permanent School Fund of the State and authorizing the Board of Land Commissioners, the State Auditor and the State Treasurer to make proper entries in the books of their respective offices.

Yours Respectfully,
H. S. CORBLY,
Assistant Secretary.

House Bill No. 61 was ordered enrolled.

GENERAL ORDERS.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Hewett in the chair.

House resumed.

Mr. Speaker in the chair.

MESSAGE FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, February 1st, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate has passed Senate Joint Resolution No. 3, which is herewith transmitted for your concurrence.

The Senate has adopted the report of the Conference Committee on House Bill No. 50 which said Bill is herewith transmitted.

Yours Respectfully,

H. S. CORBLY,
Ass't Secretary.

On motion of Ramsey the House adjourned.

DAVID MARKS.
Chief Clerk.

FORTY-SEVENTH DAY.

House of Representatives,
Helena, Montana, February 19, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Roll called, Quorum present.

Prayer by the Chaplain.

Journal of the Forty-Sixth day read and approved.

Butler gave notice of the introduction of a bill for an act to classify, appraise and provide for the sale and lease of State Lands.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on State Lands to which was referred House Bill No. 296, report the same back and recommend that it do pass.

WHITESIDE,
Chairman.

House Bill No. 296 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment finding that they have need of more assistance request that one more clerk be added to that committee and selected Miss Lillian Conrad for that position.

We therefore ask the House to concur in this selection.

McINTIRE.
Chairman.

On motion of Loeb the appointment of Miss Lillian Conrad was ratified by the House.

The following report was received:

Mr. Speaker:

Your Committee on Federal Relations to whom was referred a communication from the Speaker of the House of Representatives of the State of South Dakota relating to statistical data to be used in making up the 12th census of the United States have perfected the accompanying Joint Resolution for the consideration of the House.

STEPHENS,
Chairman.

On motion of Conrad the report was placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Railways and Transportation having had under consideration House Bill No. 170, entitled an Act to regulate Transportation and Freight Rates on Railways and to create a Board of Railroad Commissioners, etc., introduced by Buckley, report the same back to the House with the recommendation that said bill be indefinitely postponed, for the reason, that the same bill has already been introduced in the Senate and has been printed and is now upon the desks of the House under the title of Senate Bill No. 50 and your Committee is informed that the same will be considered by the Senate this day and are therefore of the belief that it would be a useless expenses, at this time, for the House to consider or order House Bill 170 printed.

W. A. CLARK,
Chairman.

Mr. Speaker:

The undersigned minority of the Committee on Railways and Transportation dissents from the report of the majority of the committee on House Bill 170 and asks that the same be printed.

MARTIN BUCKLEY,
Chairman.

On motion of Kennedy the minority report was substituted for the majority report and adopted by the following vote:

Ayes—Armitage, Bartlett, Bruffy, Buckley, Carroll, Clem, Dee, Edwards, Evans, Gilna, Hart, Hewett, Hill, Kennedy, Lindsay, McMahon, McNally, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Phillips, Sanford, Shifelbin, Stephens, Taylor, Whyte, Whiteside—30.

Noes—Brown, Butler, Caldwell, Campbell, Clark, Greenfield, Hepner, Humber, Kelly, J. N., Kelly, W. M., Langhorne, Lewis, Longstaff, Marcum, McIntire, Metlen, O'Connor, Owsley, Penwell, Perrine, Power, Ramsey, Shovlin, Sullivan, Warren, Whipple, Woods, Mr. Speaker—28.

Absent—Bourne, Cochran, Elliott, Leehey, Loeb, McCabe, Stanton, Stork, Wamsley, Watkins—10.

The following report was received:

Mr. Speaker:

Your Committee on Railways and Transportation having had under consideration House Bill No. 133, introduced by Sanford, relating to the establishment of a Board of Railway Commissioners and defining their powers and duties, beg leave to report the same back to the House with the recommendation that it be printed.

W. A. CLARK,
Chairman.

House Bill No. 133 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 33, 86, 140, 141, 146, 149, Substitute for 151, 162, 181, 201, 204, 206, 209, 224, 226, 231, 254, 266 beg leave to report that the same have been properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 33, 86, 140, 141, 146, Substitute for 151, House Bills Nos. 162, 181, 201, 204, 206, 209, 224, 226, 231, 254, 266, were placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred Senate Bill No. 75, "A Bill for an Act to amend Section 875 of the Political Code of the State of Montana concerning the salary and the duties of the Inspector of Boilers" had same under consideration and recommend it do pass.

HUMBER,
Chairman.

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred Senate Bill No. 75, "A Bill for an Act to amend Section 875 of the Political Code of the State of Montana concerning the salary of the Clerk of the Supreme Court," had same under consideration and recommend it do pass.

HUMBER,
Chairman.

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred Senate Bill No. 77, "A Bill for an Act to amend Section 552 of the Political Code of the State of Montana, concerning the qualifications and salary of the Assistant Inspector of Boilers," had same under consideration and recommend it do pass.

HUMBER,
Chairman.

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred Senate Bill No. 45, "A Bill for an Act repealing Sections 470 and 472, Article 9, Chapter 3, Title 1, Part 3, of Political Code relating to the appointment of a State Land Agent and his annual salary," had same under consideration and recommend it do pass.

HUMBER,
Chairman.

Senate Bills Nos. 76, 75, 77 and 45 were placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report that we have delivered House Bills Nos. 58, 69, 51, 22, 68 to His Excellency the Governor for his signature, at the hour of 3:05 P. M.

McINTIRE,
Chairman.

Mr. Speaker:

Your Committee on Enrollment beg leave to report that they have delivered House Joint Memorials Nos. 1, 2, 3 to the Hon. T. S. Hogan, Secretary of State, at the hour of 3:10 P. M.

McINTIRE,
Chairman.

INTRODUCTION OF BILLS.

Bills were introduced:

By Sullivan:

House Bill No. 297, A Bill for "An Act to amend Section 401 of the Civil Code of the State of Montana, Part IV., of Division First of said Code, relating to corporations formed or existing before said Code took effect."

Read first and second times and referred to Judiciary Committee.

By Hepner:

House Bill No. 298, A Bill for "An Act entitled an Act to appropriate money to pay the interest for the years of 1897 and 1898, on the Bonds of the State of Montana known respectively as "The State Capitol Building Bonds," "The School of Mines Building Bonds," "The Deaf and Dumb Asylum Building Bonds."

Read first and second time and referred to Committee on State Institutions, Public Buildings and Grounds.

By Longstaff:

House Bill No. 299, A Bill for "An Act to pay employes of the Senate and House, as provided for in Section 209, Part III., Title I., Chapter II., Article IV., of the Political Code of the State of Montana."

Read first and second time referred to Appropriation Committee.

By Kelly, J. N.:

House Bill No. 300, A Bill for "An Act to amend Section 686, Title X, of the Penal Code of Montana, relating to the duties of City Marshal,"

Read first and second time referred to Committee on Judiciary.

By Committee State Boards and Officers.

House Bill No. 301, An Act to provide for the appointment of Deputy Auditor.

Read first and sceond time and referred to Printing Committee.

By Power:

House Bill No. 302, A Bill to amend Section 1290 of the Code of Civil Procedure, relating to proceedings in foreclosure.

Read first and second time and referred to Committee on Internal Improvements.

By Committee on Ways and Means:

House Bill No. 303, An Act providing for the appointment, qualification and salary of a deputy State Treasurer.

Read first and second time and ordered printed.

MESSAGE FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, February 18th, 1897.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate has passed the following bills:

Senate Bills Nos. 70, 85, 83, 73, and 61. Said bills are herewith transmitted for your concurrence.

The Senate has also passed Senate Joint Memorial No. 2 which is herewith transmitted for your concurrence.

House Bill No. 121 was read third time and concurred in and is herewith transmitted.

Senate Bills 89, 62, and 51 were read third time and lost.

I am also directed by the Senate to inform you that the President has appointed as an advisory Committee to confer with the House Committee in reference to Senate Bill No. 29 and House Bill No. 227, Messrs. Power, Smead and Norris.

The following Bills were introduced:

By Committee on Stock Growing and Grazing:

Senate Bill No. 100, A Bill for an act to provide for the appointment of a Board of Sheep Commissioners and to define their powers and duties.

By Greene:

Senate Bill No. 101, A Bill for an act to amend Section 401 of the Code of Civil Procedure, relating to corporations formed or existing before said Code took effect.

Very Respectfully,
H. S. CORBLY,
Assistant Secretary.

House Bill No. 121 was ordered enrolled.

Senate Bill No. 13, a Bill for an act to revise the law relating to the State Militia of Montana was read first and second time and referred to Committee on Military Affairs.

On motion Morton was excused until Tuesday's Session.

Whipple was excused from to-morrow's Session.

On motion of Hill the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Senate Joint Resolution No. 3 was read and on motion of Clem was adopted

REFERENCE OF BILLS.

Senate Bills were read as follows:

Senate Bill No. 69, by Green. A Bill for an Act authorizing the issuance of bonds to provide for the payment of all outstanding Deaf and Dumb Asylum Warrants to complete the building now in course of construction at the town of Boulder, County of Jefferson, State of Montana, and to erect certain buildings, make certain improvements on the grounds of said Deaf and Dumb Asylum at that place, and to create a sinking fund to redeem said bonds and to repeal all conflicting laws.

Read first and second time and referred to Ways and Means.

Substitute for Senate Bill No. 61, by Hannah: A Bill for an Act to amend Section 4594, Part 4, Chapter 4, Title 2, of the Political Code of Montana, relating to salaries of county officers and to provide for a reduction of the same.

Read first and second time and referred to Ways and Means Committee.

Senate Bill No. 83, by Hoffman: A Bill for an Act to amend Section 702 of the Penal Code, relating to the manufacture and sale of adulterated candy.

Read first and second time and referred to Internal Improvements.

Senate Bill No. 74, by Riddell: A Bill for an Act authorizing the issuance of bonds to provide for the payment of outstanding warrants and for the erection and completion of a building for the School of Mines at the City of Butte, and providing for the payment of interest thereon and repealing sections 1584, 1600, and 1601 of the Political Code of Montana.

Read first and second time and referred to Ways and Means Committee.

Senate Bill No. 72, by Riddell: A Bili for an Act authorizing the issuance of bonds to provide for the erection of a building for the State of Montana at the City of Helena, and providing for the payment of outstanding warrants for the payment of interest thereon and repealing Section 2454 of the Political Code of Montana.

Read first and second time and referred to Ways and Means.

Senate Bill No. 85, by Chandler: A Bill for an Act to repeal Section 3698 of the Political Code, relating to the appointment of a board of estate appraisers and defining its powers and duties.

Read first and second time and referred to Judiciary Committee.

Senate Bill No. 64, by Campbell: A Bill for an Act to provide for the organization, regulation and inspection of building and loan association and to repeal Section 770 to 845 inclusive of the Civil Code of Montana.

Read first and second time and referred to Insurance Committee.

Substitute for Senate Bill No. 2, by Ramsdell: A Bill for an Act entitled an Act to amend Section 3690 of the Political Code of Montana, relating to the assessment and taxation of real estate and mortgages on real estate.

Read first and second time and referred to Judiciary Committee.

Senate Bill No. 73, by Hoffman: A Bill for an Act to amend Section 3475, Article 1, Title 8, Part 3, of Political Code of the State of Montana relating to the leasing of State lands by the board of land commissioners and providing the length of time of leases.

Read first and second time and referred to Ways and Means.

Substitute for Senate Bill No. 70, by Judiciary Committee: A Bill for an Act to amend Section 1452 of the Code of Civil Procedure of the State of Montana, relating to the actions against boats and priority of claims against the same.

Read first and second time and referred to Judiciary Committee.

Senate Joint Memorial No. 2, Read first and second time and referred to Federal Relations.

THIRD READING OF BILLS.

Senate Bill No. 6 was read a third time and lost by the following vote:

Ayes—Bartlett, Bruffy, Butler, Campbell, Clark, Clem, Cochran, Dee, Edwards, Gilna, Greenfield, Kelly, J. N., Lewis, Longstaff, McIntire, McMahon, McNally, Metlen, Morgan, Mulville, O'Malley, Ramsey, Sanford, Taylor, Whiteside—25.

Noes—Armitage, Brown, Buckley, Caldwell, Carroll, Evans, Hart, Hepner, Hewett, Hill, Humber, Kennedy, Langhorne, Leehey, Lindsay, Loeb, Marcum, Newton, O'Connor, Owens, Owsley, Penwell, Perrine, Phillips, Power Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Wamsley, Watkins, Whipple, Whyte, Woods—36.

Absent—Bourne, Elliott, Kelly, W. M., McCabe, Morton, Warren, Mr. Speaker—7.

MESSAGE FROM THE GOVERNOR.

The following communication was received:

Executive Office, Montana,
Helena, February, 19, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have this day approved and signed House Bill No. 68 being an act entitled: "An Act to amend Sections 1632 and 1633 of Chapter VIII, of Title XI, of Part II, of the Code of Civil Procedure of the State of Montana, relating to abstracts of Justices of the Peace Judgments." Also,

House Bill No. 22, being an Act entitled: "An Act regulating the hours of labor of Hoisting Engineers, and fixing the penalty for violation thereof;" Also,

House Bill No. 51, being An Act entitled: "An Act to amend Section 3162 of the Code of Civil Procedure;"

House Bill No. 69, being an Act entitled: "An Act repealing Section 162 and amending Section 163 of Article II of the Political Code of Montana, relating to Officers of the Legislative Assembly;" Also,

House Bill No. 58, being an Act entitled: "An Act to amend Section 1641 of Chapter IX, of Title XI, of Part II, of the Code of Civil Procedure of the

State of Montana, relating to Executions from Justice of the Peace Courts;"

Also,

House Joint Memorials to Congress, numbered 2 and 3, and Substitute to House Joint Memorial to Congress No. 1.

Respectfully,
ROBT. B. SMITH,
Governor.

GENERAL ORDERS.

The House resolved itself into Committee of the Whole for the consideration of General Orders.

Hewett in the chair.

House resumed.

Mr. Speaker pro tem in the chair.

On motion of Wamsley the House adjourned.

DAVID MARKS,
Chief Clerk.

FORTY-EIGHTH DAY.

House of Representatives,
Helena, Montana, February 20, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Forty-seventh day read and approved.

Owsley gave notice of a bill to amend Section 1260 and to repeal Section 1261 of the Political Code.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Agriculture and Stock Growing, to whom was referred House Bill No. 291, relating to sweet or tree clover, having had the same under consideration have agreed to report same back to you with a recommendation that it be indefinitely postponed.

It is fair to state however, that Mr. Armitage a member of the committee and the introducer of the Bill was not in attendance at the Committee meeting and may have been able to introduce facts that would have warranted a different report.

BROWN,
Chairman.

On motion of Armitage House Bill No. 291 was ordered printed.

The following reports were received:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 299, beg leave to report the same back with the recommendation that the same do pass.

COCHRAN,
Chairman.

Mr. Speaker:

Your Committee on Towns and Counties to whom was referred House Bill No. 214, A Bill for an Act to amend Section 4233 of Chapter II, Article 2, Title 2 of the Political Code relating to County printing refer the bill back to the House with the recommendation that it do pass.

C. A. WHIPPLE,
Chairman.

House Bills Nos. 299 and 214 were ordered printed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, tow hom was referred House Bill No. 225, "A Bill for an Act to protect the creditors of assignors and to regulate the duties of assignees," introduced by Bartlett, beg leave to report the same back to this House with the recommendation that it be indefinitely postponed. Our reason for this is that we find every important provision in said bill, save one, to be fully covered by Senate Bill No. 53, and we have recommended an amendment to Senate Bill No. 53 to provide for such omission. We believe that if the latter bill is amended as we have recommended, and the amendments concurred in by the Senate, that it will fully cover all that is intended by House Bill No. 225 aforesaid.

LEEHEY,
Chairman.

On motion of Stephens the report was adopted and House Bill No. 225 was indefintely postponed.

On motion of Watkins the amendments reported to Senate Bill No. 53 were adopted and the bill was placed upon General Orders.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, beg leave to report that we have carefully examined Senate Bill No. 54, "A Bill for an Act to amend Sections 720 and 722 of the Code of Civil Procedure, relating to pleadings in civil actions," introduced by Greene, and report back to this House a Substitute therefor with the recommendation that the substitute be adopted and that it do pass.

LEEHEY,
Chairman.

On motion of Greenfield the Substitute reported to Senate Bill No. 54 was adopted and placed on General Orders.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, beg leave to submit the following report:

We have carefully examined the provisions of Senate Bill No. 46, "A Bill for an Act to amend Section 3013 of Article 5, Chapter 5, Title 7, Part 3, Political Code of Montana, relating to the salary of the State Veterinary Surgeon," introduced by Committee on Judiciary, and we recommend that it be concurred in.

We also recommend that the House concur in the passage of the Substitute for Senate Bill No. 35, "A Bill for an Act to amend Chapter 12, Title 10, Part 3 of the Political Code by adding thereto four sections to be numbered 4024, 4025, 4026, and 4027, providing for the payment of taxes, licenses or other demands for public revenue, when deemed unlawful, under protest and for the recovery thereof when so paid," introduced by Norris.

We have carefully examined the Substitute for Senate Bill No. 12, "A Bill for an Act to amend Sections 490 to 506 inclusive being all of Article 11, of Chapter 3, Title 1, Part 3, Political Code of Montana, providing for the appointment of a State Examiner and defining his duties and powers," recommended by Judiciary Committee, and we recommend that the same be concurred in.

We also recommend that the House concur in the passage of Senate Bill No. 16, "A Bill for an Act to amend Sections 953 and 955 of the Civil Code of the State of Montana, relating to live stock killed or injured by railroads," recommended by Judiciary Committee.

We have carefully examined Senate Bill No. 38, "A Bill for an Act to amend Sections 920 and 921, Article 3, Chapter 6, Part 3, Title 1, of the Political Code of the State of Montana, relating to the duties of Notary Publics," introduced by Auld, and we recommend that the passage of the same be concurred in by this House.

We have carefully examined House Bill No. 275, "A Bill for an Act amending Section 2351, 2352, and 2353, of Article II, Chapter I, Title X, and Section 2364 of Article III of Chapter I, of Title X, of the Penal Code, relative to bail," introduced by Clark, and we recommend that it do pass.

We have given House Bill No. 290, "A Bill for an Act to amend Section 448 of the Civil Code of the State of Montana, Part IV, of Division First of said Code, relating to the place of holding meetings of stockholders and boards of directors of corporations," introduced by Leehey, careful consideration and we report the same to the House with the recommendation that it do pass.

LEEHEY,
Chairman.

Senate Bills Nos. 46, Sub. for Senate Bill No. 35, 12, and Senate Bill No. 16 and Senate Bill 38 were placed upon General Orders.

House Bills Nos. 275, 290 were ordered printed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 267," A Bill for an Act to authorize the issue of shares and certificates to bearer by corporations with capital stock, non-assessable and full paid; to define the rights of the holders of such shares and certificates, and to authorize such corporations to make by-laws necessary or proper to carry into effect the rights and powers granted by this Act," introduced by Longstaff, beg leave to report therefor a Substitute and recommend that the Substitute be adopted and that as adopted it do pass.

Respectfully submitted,

LEEHEY,
Chairman.

On motion of Kennedy the Substitute for House Bill No. 267 was adopted and same was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Education who have had under consideration Senate

Bill No. 44, amending certain Sections of the Political Code relating to education, herewith return the same, with the recommendation that it be concurred in.

GREENFIELD,
Chairman.

Senate Bill No. 44 was placed upon the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report and return House Bill No. 61 correctly enrolled.

McINTIRE,
Chairman.

Mr. Speaker announced the signing of House Bill No. 61.

The following reports were received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bill No. 260 A Bill for an Act to amend subdivision 21, of Section 4230, of Part 4, of Title 2, of Chapter 2 of the Political Code, relating to the duties of County Commissions, introduced by J. M. Kennedy, beg leave to report back same with the recommendation that it do pass.

D. P. O'CONNOR,
Chairman.

Mr. Speaker:

Your Committee on Irrigation and Water Rights having considered House Bill No. 283 return same herewith with the recommendation that it be printed and placed on General Orders.

ARMITAGE,
Chairman.

House Bills Nos. 260 and 263 were ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 253, 67, 192, 229, 130, 236 and 155 beg leave to report back same properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 253, 67, 192, 229, 236 130 and 155 were placed on General Orders.

The following reports were received:

Mr. Speaker:

We, your Committee on Judiciary to whom was referred House Bill No. 264, "A Bill for an Act to amend Section 1910, Chapter II, Title VI, of the Penal Code of the State of Montana, relating to the setting aside of an indictment," introduced by Gilna, report the same back to this House with the recommendation that its further consideration be indefinitely postponed.

LEEHEY,
Chairman.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 264 (271?) "A Bill for an Act to amend Section 1361 and 1404, Part 3, Title 2, Chapter 9, of the Political Code, and to provide for the election of County Commissioners by a cumulative vote," introduced by Shifelbin, report the same back to this House with the recommendation that its further consideration be indefinitely postponed, for the reason that a similar bill has been introduced in and defeated by the State Senate of Montana at his present session, and we believe that to consume any time with it in this House would be useless.

LEEHEY,
Chairman.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 286, "A Bill for an Act to amend Section 2153, of Chapter III., of Title IV., Part III., of the Code of Civil Procedure, in relation to certain liens for wages and salaries," introduced by Bartlett, beg leave to report the same back to the House, and recommend that it be indefinitely postponed. Our reason for this is that we believe the same to be unnecessary legislation, as all of the important provisions of said bill are provided by Section 2152 of the Code of Civil Procedure.

LEEHEY,
Chairman.

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 284, "A Bill for an Act defining the liability of persons and corporations for negligence of co-employes," introduced by Elliott, beg leave to report that we have carefully examined the same and find that its provisions are fully covered by House Bills Nos. 33 and 64, which we have favorably reported, and we therefore recommend that House Bill No. 284 be indefinitely postponed.

LEEHEY,
Chairman.

House Bills Nos. 264, 271, 286 and 284 were indefinitely postponed.

The following reports were received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 285, "An Act to further define jurisdiction in probate proceedings," introduced by Whipple, beg leave to report therefor a substitute, and recommend that the substitute be adopted, and that as adopted it do pass.

LEEHEY,
Chairman.

On motion of Kennedy the Substitute reported to House Bill No. 285 was ordered printed.

The following report was received:

Mr. Speaker:

We, your Committee on Judiciary, to whom was referred House Bill No. 237, "A Bill for an Act to abolish the office of coroner, and to provide for the performance of the duties heretofore performed by the coroner," introduced by Bartlett, beg leave to report the same back to this House with amendments to Sections 8 and 15, and recommend that the amendments be adopted and that as amended the bill do pass.

LEEHEY,
Chairman.

On motion of Clem the amendments to House Bill No. 237 were adopted and the bill was ordered printed.

The following report was received:

Mr. President:

Your Committee on Conference to whom was referred House Bill No. 50, relating to registration of warrants by State Treasurer respectfully report: that your committee has conferred with a like committee of the Senate and have jointly agreed to recommend that Section 2 of the bill be amended to read as follows:

"Section 2. This act shall apply to all general fund warrants now registered in the office of the State Treasurer and unpaid."

With above amendment your committee would recommend a concurrence in said bill.

RAMSEY,
Chairman.

The report was adopted and House Bill No. 50 was ordered enrolled.

Perrine moved that the Ways and Means Committee be requested to report back to the House Bill No. 28, that the first subsequent session that the order of business "Reports of Standing Committees" be called for.

Motion lost by the following vote:

Ayes—Armitage, Bartlett, Buckley, Carroll, Clem, Edwards, Gilna, Hewett, Kennedy, McCabe, McMahon, McNally, Mulville, O'Malley, Owens, Perrine, Sanford, Shifelbin, Taylor, Watkins, Whyte—21.

Noes—Brown, Bruffy, Butler, Caldwell, Campbell, Clark, Cochran, Dee, Greenfield, Hepner, Hill, Kelly, J. N., Kelly, W. M., Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, McIntire, Newton, O'Connor, Penwell, Phillips, Power, Ramsey, Shovlin, Stanton, Stephens, Stork, Sullivan, Warren, Woods, Mr. Speaker—35.

Absent—Bourne, Elliott, Evans, Hart, Humber, Metlen, Morgan, Morton, Owsley, Wamsley, Whipple, Whiteside—12.

On motion of O'Malley, the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker in the chair.

The following telegram was received from Butte, Montana.

To J. M. Kennedy,

House of Representatives:

Exposition Delegation would greatly appreciate favor of informal joint session of Legislature, Monday, to enable us to present exposition matter, we remain in Butte to-day and will govern our movements by your convenience.

G. W. HITCHCOCK,

Publisher Omaha World-Herald.

On motion of Langhorne it was ordered that the House hold an informal joint session with the Senate at 11 A. M. Monday.

The following report was received:

Mr. Speaker:

The Steering Committee have instructed me to report House Bill No. 40 on a special order for 2 o'clock P. M. to-day. Being a bill regarding hospital Legislation.

RAMSEY,

Chairman.

On motion of Leehey the report was adopted.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Committee on Ways and Means:

House Bill No. 304, Bill for an act to provide for the erection and completion of building for steam heating plant, the plumbing of boys' building, recently erected to pay for labor and material used therefor at the State Reform School at Miles City, and appropriate money to pay therfor.

By Butler:

House Bill No. 305, An Act to classify, appraise and provide for the sale and lease of state lands.

By Marcum:

House Bill No. 206, Bill for an act concerning false pretenses, amending Section 2088 of the Penal Code of the State of Montana and repealing Section 895 of said Penal Code.

By Committee on Appropriations:

House Bill No. 307, Bill for an act appropriating money for the payment of the claims of certain persons, companies and corporations for expenses incurred by the Fourth Legislative Assembly of the State of Montana, and for public printing in the year 1896.

Also,

House Bill No. 308, Bill for an act making an appropriation to defray the expense of A. B. Hamilton connected with the contest to a seat in the House of Representatives from the county of Teton.

Also,

House Bill No. 309, Bill for an act appropriating money for the payment of the claims of certain persons for expenses incurred in the transportation of prisoners to the penitentiary.

Also,

House Bill No. 310, Bill for an act to appropriate money for the payment of the claim of H. B. Gibson for services as stenographer to the Capitol Commission Investigating Committee and for transcript of testimony.

By Committee on Ways and Means:

House Bill No. 311, Bill for an act to provide for the support of the government for the fiscal years 1897, and 1898.

RESOLUTIONS.

Butler introduced the following:

Whereas the 22nd day of February being a National Holiday, and

Whereas, the name and memory of the immortal Washington is honored and revered throughout the civilized world, and

Whereas, history shows us that Washington was a man of action rather than words, and

Whereas, realizing the condition of business in this House at the present time and believing we can best honor the memory of the "Father of our Country" and ourselves, by attempting to expedite the business of the State.

Therefore, Be it Resolved, by this House of Representatives that when we adjourn, we adjourn until 10 A. M. Monday next for the transaction of business.

BUTLER.

The Resolution was lost by the following vote:

Ayes—Armitage, Bartlett, Butler, Carroll, Gilna, Hepner, Hill, Lindsay, McCabe, McMahon, McNally, Mulville, Perrine, Power, Shifelbin, Stephens, Stork, Taylor, Whyte—20.

Noes—Brown, Bruffy, Buckley, Caldwell, Campbell, Clark, Clem, Cochran, Dee, Evans, Hewett. Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lewis, Longstaff, Marcum, McIntire, Newton, O'Connor, Owens, Phillips, Ramsey, Shovlin, Sullivan, Wamsley, Warren, Watkins, Whiteside, Woods, Mr. Speaker—35.

Absent—Bourne, Edwards, Elliott, Greenfield, Hart, Humber, Loeb, Metlen, Morgan, Morton, Qwsley, Penwell, Sanford, Stanton, Whipple—15.

The House resolved itself into Committee of the Whole for the consideration of House Bill No. 40.

McNally in the chair.

House resumed.

Mr. Speaker in the chair.

Mr. Speaker announced the signing of Senate Bills No. 5 and 19.

McNally of the Committee of the Whole was granted time in which to report.

Mr. Speaker:

Your Judiciary Committee to whom was referred House Bill No. 154, "A Bill for an Act creating and providing for the enforcement of liens for labor and material introduced by Longstaff, report the same back to the House with the recommendation that it be printed and placed on General Orders for your favorable consideration.

LEEHEY,
Chairman.

House Bill No. 154 was ordered printed.

House Bill No. 298 was recalled from Committee on Public Buildings and Grounds and referred to Appropriation Committee.

REPORT OF SPECIAL COMMITTEE.

The following report was received:

Helena, Montana, February 20th, 1897.

Mr. Speaker and Members of the House of Representatives:

Your Committee appointed to investigate the acts of the Capitol Commission of the State of Montana, beg leave after a careful and pains-taking investigation, to submit the following report:

First: That the law of 1895, creating and empowering the State Capitol Commission, is unwise, injudicious and grossly extravagant, and we therefore recommend its repeal, if such can be done legally, when taking into consideration the fact that some contracts have been let under the law.

Second: While we find that there have been a great many rumors abroad concerning the alleged wrong-doing of the Commission, we find, upon most careful investigation of all the facts, that absolutely no evidence exists to show any wrongful act upon the part of any member of the Capitol Commission. No testimony could be obtained tending to show that a single member of the Commission even exceeded the authority given him under the above act.

But we desire to report our most emphatic disapproval of the conditions which obtain in the present law governing the erection of this Capitol Building. We do not believe it was good business policy for the members of the Commission to have entered into a contract with the Architect for plans costing $45,000.00, for a building to cost not less than a million dollars, when the members of the Commission knew that it was impossible to float the warrants, and would consequently be unable to use these plans in erecting the building contemplated under the act. It is true that the law requires the erection of the building to cost not less than one million dollars, but before the contract was made between the Capitol Commission and the architect, George R. Mann, the members of the Commission knew that the warrants would not be salable, unless by a legislative enactment interest on the warrants was guaranteed. We find that Senator Flowerree, a member of the Commission, took this attitude, voted against the contract with the architect, Mr. Mann, and when the contract was let, he refused to sign it. Under the terms of the contract there would be $31,500.00 due Mr. Mann before a stone or a brick of the building was laid, while the total cost of plans and supervision for a building to cost $500,000 would be but $25,000.

In conclusion, we invite the attention of the House to a careful scrutiny of the testimony taken before your committee, and beg to recommend that in view of the radical differences of opinion existing in and out of the legislature one of two courses be pursued, Either the passing of a bill providing for the construction of a portion of the capitol building at an expenditure of say $300,000 to $350,000, or else that the law of 1895, creating the Capitol Building Commission be repealed in toto, permitting some future legislature to take up this matter for final disposition. We submit herewith and have filed with the Chief Clerk of this House a certified copy of all the testimony taken during the investigation. We earnestly request the members of this House to read this testimony and study the entire situation, each man for himself.

All of which is respectfully submitted,

O. G. WARREN,
Chairman.

Whitesides presented the following:

Mr. Speaker:

As a member of the Committee appointed to investigate the acts of the Capitol Commission I beg leave to file a minority report not later than three o'clock Tuesday next.

On motion of Whitesides the reports were made a special order for 3 o'clock on Tuesday next.

On motion of Longstaff the House adjourned until 10 A. M. Tuesday February 23d, 1897.

DAVID MARKS,
Chief Clerk.

FIFTY-FIRST DAY.

House of Representatives,
Helena, Montana, February 23, 1897.

House met pursuant to adjournment at 10 A. M.

Roll called—Quorum present.

Prayer by the Chaplain.

Minutes of 48 th day read and approved.

The following report was received:

Mr. Speaker:

Your Committee of the Whole have had House Bill No. 40 under consideration and report it back with the accompanying amendments and as so amended recommend that it do pass.

J. E. McNALLY,
Chairman.

The amendments to House Bill No. 40 were adopted and Bill as amended was ordered engrossed.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report and return House Bill No 121 correctly enrolled.

McINTIRE,
Chairman.

House Bill No. 121 was signed by the speaker.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 220, 270, 269, 280, 258, 213, 295, 268, 89, 103, 12, 179 and 251, beg leave to report back same properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 220, 270, 269, 280, 258, 213, 295, 268, 89, 103, 12, 179 and 251 were placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Labor having had under consideration Senate Bill No. 36, beg leave to report the same back to the House without recommendation.

J. E. McNALLY,
Chairman.

Senate Bill No. 36 was placed on General Orders.

The following reports were received:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred Senate Bill No. 17, a Bill for an act changing the name of the Agricultural College of the State of Montana, beg leave to report said Bill back without the recommendation that it be placed on General Orders.

LANGHORNE.
Chairman.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred Senate Bill No. 68, A Bill for an Act to repeal Section 2360 of the Political Code of the State of Montana, relating to the name of the Deaf and Dumb Asylum, beg leave to report said bill back to the House with the recommendation that it be placed on General Orders.

LANGHORNE.
Chairman.

Senate Bills No. 17 and 68 were placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred House Bill No. 256, A Bill for an Act to repeal Article 1, Chapter I, Title V, Part III, of the Political Code of Montana, relating to the Insane Asylum, and to provide for a Board of Commissioners for the Insane and to prescribe the powers and duties of such Board, beg leave to report the same back with the recommendation that the same be printed and placed on General Orders.

LANGHORNE.
Chairman.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred House Bill No. 261, A Bill for an act to repeal all of Title I, Part II, of the Penal Code relating to State Prisons and to provide a substitute in lieu thereof, beg leave to report same back with the recommendation that it be printed and placed on General Orders.

LANGHORNE.
Chairman.

House Bills Nos. 256 and 261 were ordered printed.

The following reports were received:

Mr. Speaker:

Your Committee on Federal Relations having duly considerd House Joint Resolution No. 4, introduced by Loeb report the same back to the House recommending its passage.

W. J. STEPHENS,
Chairman.

Mr. Speaker:

Your Committee on Federal Relations to whom was referred Senate Joint Memorial No. 2 have considered the same and report it back to the House with the recommendation that it be concurred in.

W. J. STEPHENS,
Chairman.

House Joint Resolution No. 4 was ordered printed.

Senate Joint Resolution No. 2 report adopted.

The following reports were received:

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 216, "A Bill for an Act for the relief of Fred Stimpson, of Meagher County, for horses destroyed by order of the State Veterinarian, respectfully beg leave to report the same back to the House with the recommendation that it be indefinitely postponed.

W. H. COCHRAN,
Chairman.

Mr. Speaker:

Your Committee on Appropriations to whom was referred House Bill No. 289, "A Bill for an Act appropriating money for the relief of Robert Saury," respectfully beg leave to report the same back with the recommendation that it be indefinitely postponed.

W. H. COCHRAN,
Chairman.

Mr. Speaker:

Your Committee on Appropriation, to whom was referred the "Appeal of W. R. Dwyer, from State Board of Examiners," respectfully beg leave to report the same back to the House with the recommendation that it be indefinitely postponed.

W. H. COCHRAN,
Chairman.

House Bill No. 216, 289 and appeal of W. R. Dwyer were indefinitely postponed.

The following reports were received:

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 239, "A Bill for an Act appropriating money for the payment of the claims of F. H. Foster, C. D. French and J. V. Jerome for services rendered the State in the year 1895, account extra compensation for taking care of books, etc., as Secretary of Senate, Assistant Chief Clerk of the House of Representatives and Journal Clerk of Senate Fourth Legislative Assembly," respectfully beg leave to report the same back to the House with the recommendation that it do pass.

W. H. COCHRAN,
Chairman.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 228, "A Bill for an Act appropriating money for the relief of L. R. Peck for extra services performed as Mail Man of the Fourth Legislative Assembly," respectfully beg leave to report the same back to the House with the recommendation that it do pass.

W. H. COCHRAN,
Chairman.

Mr. Speaker:

Your Committee on Appropriations to whom was referred Senate Bill No. 25, "A Bill for an Act making an appropriation to defray the expenses connected with the contests to seats in the Senate from the Senatorial Districts of Teton, Granite and Ravalli Counties," beg leave to report the same back to the House with the recommendation that it do pass.

W. H. COCHRAN,
Chairman.

House Bills Nos. 239, 228. were ordered printed and Senate Bill No. 25 was placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bills Nos. 128, 19 and 23 as correctly engrossed.

C. F. STORK,
Chairman.

The report was adopted and House Bills Nos. 128, 19 and 23 were placed on Third Reading.

REFERENCE OF BILLS.

House Bills Nos. 304, 307, 308, 309, 310, 311 were read first and second time and referred to Printing Committee.

House Bills Nos. 306, 312, and 313 were read first and second time and referred to Judiciary Committee.

House Bill No. 305 was read first and second time and referred to Committee on State Lands.

House Bill No. 314, by O'Malley was withdrawn by its introducer for correction.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Owsley:

House Bill No. 312, "A Bill for an Act to amend Section 1260 and to repeal Section 1261 of the Political Code."

Read first and second time and referred to Judiciary Committee.

By Humber:

House Bill No. 315, "A Bill for an Act relating to costs in criminal cases."

Read first and second time and referred to Judiciary Committee.

By O'Malley:

House Bill No. 314, "A Bill for an Act to amend Section 4633 of the Political Code relating to constable fees."

MESSAGES FROM THE GOVERNOR.

The following communication was received:

Helena, Montana, February 23, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I herewith transmit for your consideration the Appeal of John R. Eardly from the decision of the State Board of Examiners, disallowing his claim of $50.00 for services rendered the Fourth Legislative Assembly, after the adjournment thereof.

ROBT. B. SMITH,
Governor.

The communication was received and referred to the Committee on Appropriations.

MESSAGE FROM THE SENATE.

Senate Chamber,
Helena, Montana, February 19th, 1897.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Senate Bills No. 82, 90 and 93, and Senate substitute for substitute to House Bill No. 17 has been passed by the Senate and are herewith transmited for your concurrence.

The following notices of the introduction of bills were read:

Mr. President:

By Riddell:

A bill to repeal section 451 of the Civil Code, relating to annual reports of corporations.

A Bill to repeal Section 1012 and 1012 of the Civil Code relating to the sale of mining property by corporations.

RIDDELL.

JOHN BLOOR,

Secretary.

Senate Chamber,

Helena, Montana, February 19th, 1897.

Mr. Speaker:

I am directed by the Senate to inform your honorable body, the Senate Bill No. 15 has been properly engrossed and is herewith transmitted.

Yours Respectfully,

JOHN BLOOR,

Secretary.

REFERENCE OF BILLS.

Senate Bill No. 15 was read first and second time and placed on General Orders.

Senate Bill No. 90 was read first and second times and referred to Committee on State Institutions and Public Buildings.

Senate Bill No. 93 was read first and second time and referred to Committee on State Institutions and Public Buildings.

Senate Substitute for Substitute for House Bill No. 17 was read first and second time and referred to Committee on Mines and Mining.

Senate Bill No. 82 was read first and second time and referred to Committee on Towns and Counties.

THIRD READING OF BILLS.

House Bill No. 19 was read a third time and passed by the following vote:

Ayes—Armitage, Brown, Bruffy, Buckley, Carroll, Clem, Dee, Edwards, Elliott, Gilna, Hewett, Kelly, J. N., Kennedy, Lindsay, Lewis, Marcum, Sanford, Stork, Taylor, Wamsley, Watkins, Whipple, Whyte, McCabe, McIntire, McNally, Morton, Newton, O'Malley, Owens, Perrine, Phillips—32.

Noes—Bartlett, Butler, Campbell, Hart, Hepner, Hill, Langhorne, Loeb, Longstaff, McMahon, Metlen, O'Connor, Owsley, Penwell, Power, Ramsay, Warren, Woods—18.

Absent—Bourne, Caldwell, Clark, Cochran, Evans, Humber, Kelly, W. M., Leehey, Morgan, Mulville, Shifelbin, Shovlin, Stanton, Stephens, Sullivan, Mr. Speaker—16.

Paired—Greenfield, Whiteside—2.

Title agreed to.

Lindsay gave notice to reconsider House Bill No. 19.

House Bill No. 23 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Buckley, Butler, Carroll, Clem, Dee, Edwards, Elliott, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kennedy, Langhorne, Lindsay, Lewis, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morton, Newton, O'Connor, O'Malley, Owens, Penwell, Phillips, Power, Ramsey, Sanford, Stork, Sullivan, Taylor, Wamsley, Watkins, Whipple, Whyte, Woods—48.

Noes—Owsley, Perrine—2.

Absent—Bourne, Caldwell, Campbell, Clark, Cochran, Evans, Humber, Kelly, W. M., Leehey, Morgan, Mulville, Shifelbin, Shovlin, Stanton, Stephens, Warren, Whiteside, Mr. Speaker—18.

Title agreed to.

On motion of Hill the House took a recess until 1:30 P. M.

1:30 P. M.

House resumed.

Mr. Speaker in the chair.

The following communication was received:

Mr. Speaker:

I hereby give notice that I will on to-morrow or some subsequent day introduce a Bill to change and define the boundaries of the County of Lewis and Clarke.

McCABE,
Chairman.

THIRD READING OF BILLS.

House Bill No. 128 was read third time and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Lindsay, Loeb, Longstaff, McCabe, McIntire, McMahon, McNally, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Penwell, Perrine, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—59.

Noes—Humber, Lewis, Marcum, O'Connor, Phillips—5.

Absent—Bourne, Cochran, Leehey, Metlen—4.

Title agreed to.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration House Bill 125, House Bill 48, House Bill 166, Substitute for House Bill No. 123, House Bill No. 84, report the same back with the accompanying amendments and as so amended recommend that they do pass.

M. L. HEWETT,
Chairman.

On motion the report was adopted and House Bills Nos. 125, 48, 166 and Substitute for House Bill No. 123 were ordered engrossed.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration Senate Bill No. 1, report the same back to the House with the recommendation that it be concurred in.

M. L. HEWETT,
Chairman.

Report was adopted.

On motion of Langhorne Senate Bill No. 1 was referred back to the Committee of the Whole for immediate action.

The House resolved itself into Committee of the Whole for consideration of Senate Bill No. 1.

Owsley in the chair.

House resumed.

Mr. Speaker in the chair.

Longstaff moved that the report of Special Joint Committee on the Montana State Reform School be made a special order for 2 P. M. to-morrow.

Motion adopted.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration Senate Bill No. 1, beg leave to report the same back with the accompanying amendments and as so amended recommend it be concurred in.

OWSLEY,
Chairman.

The report was adopted.

SPECIAL ORDERS.

The hour of 3 P. M. having arrived for which the report of the Capitol investigating committee was made a special order, the House resolved itself into Committee of the Whole for its consideration.

Evans in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was recived:

Mr. Speaker:

The Committee of the Whole having had under consideration the Reports of the Capitol Investigating Committee, recommend that said majority and minority reports be referred to special committee of five to be appointed by the Speaker. To formulate such legislation or resolutions as they shall deem best to be reported to the House for further action.

WM. J. EVANS,
Chairman.

Report adopted.

Mr. Speaker appointed as such special committee, Lindsay, Elliott, Buckley McCabe and Power.

GENERAL ORDERS.

On motion of Penwell the House resolved itself into Committee of the Whole for the consideration of General Orders.

McNally in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration House Bill No. 266, beg leave to report progress and ask leave to sit again.

J. E. McNALLY,
Chairman.

The following report was received:

Mr. Speaker:

The Steering Committee, upon examination of the docket, find the following bills touching road and municipal legislation, and have instructed me to recommend House Bill No. 280, being a bill relative to road legislation, for consideration at the same time as House Bill No. 266, and first bill now on General Orders.

The Steering Committee has also instructed me to recommend House Bill No. 208, introduced by Butler, House Bill No. 213 introduced by Woods and House Bill No. 231; all being on the subject of municipal legislation, for consideration at the same time as House Bills Nos. 203, 184, 189, 183, 115, 177, 204 and 206.

RAMSEY,
Chairman.

Penwell moved to adopt the Steering Committee report.

O'Malley moved to amend by inserting House Bill 229.

Amendment lost by the following vote:

Ayes—Bartlett, Buckley, Clem, Edwards, Gilna, Hewett, Kennedy, McMahon, Morton, Mulville, O'Malley, Power, Sanford, Shifelbin, Stork, Taylor, Watkins, Whipple, Whyte—20.

Noes—Armitage, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clark. Elliott, Greenfield, Hart, Hepner, Hill. Humber, Kelly, J. N., Kelly, W. M., Langhorne, Lindsay, Lewis, Loeb. Longstaff, Marcum, McCabe, McIntire, Mc-

Nally, Metlen Morgan, Newton, O'Connor, Owens, Owsley, Penwell, Phillips, Ramsey, Shovlin, Stanton, Stephens, Sullivan, Wamsley, Warren, Whiteside, Woods, Mr. Speaker—43.

Absent—Bourne, Cochran, Dee, Leehey, Perrine—5,

The report of the Steering Committee was adopted.

On motion of Penwell the House took a recess until 9:45 to-morrow morning.

DAVID MARKS,
Chief Clerk.

FIFTY-SECOND DAY.

House of Representatives,
Helena, Montana, February 24, 1897.

House met pursuant to recess at 9:45 A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the chaplain.

Journal of the Fifty-first day read and approved.

GENERAL ORDERS.

The House resolved itself into Committee of the Whole for the further consideration of House Bill No. 266.

McNally in the chair.

House resumed.

Mr. Speaker in the chair.

House again resolved itelf into Committee of the Whole for the further consideration of General Orders.

Penwell in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Cochran the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker in the chair.

The hour having arrived for which the report of the special joint committee appointed to inspect the State Reform School. The House resolved itself into Committee of the Whole for its consideration.

House resumed.

Mr. Speaker in the chair.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the Governor.

Executive Office,
Helena, Montana, February 24, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

At the opening of this session of the legislature, in view of the fact that there were no political questions to occupy your attention, and from my personal knowledge of the individuals composing this Assembly, I confidently hoped that this session of the assembly would be marked by wise, prudent and much needed legislation and that personal antagonisms and factional opinions would find no lodgment with you. I am sure this Assembly and the people at large will not censure me in failing to point out the needed legislation and reforms, necessary for the welfare of our people. If the message I delivered to you has any merit, it is because I therein plainly indicated the line of legislation needed. The manner in which it was received by the people of the state indicates beyond doubt their wishes and what they have a right to demand of you as their representatives. Of all the recommendations therein contained not one has become a law.

I therefore, without wishing to usurp the functions of this body, or the privileges and rights of your Steering Committee, appeal to you to lay aside all other aspirations except the welfare of the state. Stop talking for the next seven days and take action on some of the important measures before you. Among which I would suggest:

The Bills relating to the deposit of public funds.

The Bills relating to the regulation of state and county official salaries;

The Bill No. 233, abolishing the payment of mileage;

The Insurance Tax Bill;

The Inheritance Tax Bill;

The Bill providing for the state owning and operating the Insane Asylum;

The Bills for the erection of the State Capitol, the School of Mines and Deaf and Dumb School;

And the Arid Land Bill.

If these measures are taken up, and amended if need be, and considered without too many speeches, they may yet become laws. There are other measures of importance before your body that imperatively demand attention.

Let no one delude himself by the thought that his individual record is above criticism. You will be judged by the results of your labor as given to the people, and not by the rhetorical effect made on the floor of this House. Let me appeal to you to give to the state some of the measures of retrenchment and reform which its condition demands.

I am with very great respect,
ROBERT B. SMITH,
Governor.

GENERAL ORDERS.

The House again resolved itself into Committee of the Whole for the further consideration of General Orders.

Penwell in the chair.

House resumed.

Mr. Speaker in the chair.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee having had under consideration House Bill No. 184 introduced by Stanton report progress and ask leave to sit again on Thursday February 25, for the purpose of further consideration of same.

PENWELL,
Chairman.

On motion of Campbell the report was adopted and the House again resolved itself into Committee of the Whole for the further consideration of General Orders.

Penwell in thec hair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 88, after having had the same under consideration, respectfully return the same back to the House with the recommendation that the same be concurred in.

CAMPBELL,
Vice-Chairman.

Senate Bill No. 88 was ordered placed on General Orders.

The following report was received:

Mr. Speaker:

Your Committee having had under consideration the report of the Special Committee on the State Reform School have to report they find from the records of this House that the matter has already been disposed of by having been adopted by the House and also by having concurred in a Senate Resolution referring the further investigation of this matter to the Governor, hence your Committee have no recommendation to make at this time.

C. A. WHIPPLE,
Chairman.

On motion of Ramsey the Speaker appointed Messrs. Langhorne, Elliott and Lindsay as a Committee to present to the House appropriate resolutions of respect and condolence to our worthy member M. D. Leehey, for the late sad bereavement that befell himself and wife in the loss of their child.

The following report was received:

Mr. Speaker:

The Steering Committee of the House having met with the Advisory Committee of the Senate for the purpose of discussing a plan of action, have instructed me to report for consideration the following bills, after House Bill No. 86.

House Bill No. 258, introduced by the Insurance Committee.

House Bill No. 217, introduced by Wamsley.

House Bill No. 268, introduced by the Insurance Committee.

House Bill No. 67, introduced by Hill.

House Bill No. 160, introduced by Cochran.

Substitute for House Bill No. 162, introduced by the Committee on Ways and Means, and

House Bill No. 269, introduced by Committee on Ways and Means; all of the same, relating to licenses and revenue.

RAMSEY,
Chairman.

Langhorne moved to adopt the report.

O'Malley moved to amend by adding thereto House Bill No. 229.

Langhorne's motion prevailed and report of Committee was adopted.

On motion of Phillips the House took a recess until 8 P. M.

EVENING SESSION.

8 P. M.

House resumed.

Mr. Speaker in the chair.

Kennedy of the Committee of the Whole was granted further time in which to report.

On motion of Cochran the House adjourned.

DAVID MARKS,
Chief Clerk.

FIFTY-THIRD DAY.

House of Representatives,
Helena, Montana, February 25th, 1897.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the chaplain.

Journal of Fifty-second day read and approved.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report and return House Bill No. 50 correctly enrolled.

McINTIRE,
Chairman.

Mr. Speaker announced the signing of House Bill No. 50.

The following report was received:

Mr. Speaker:

Your Committee of the Whole, having had under consideration certain bills beg leave to report as follows:

To amend Section 4, Line 28 of House Bill No. 206, bly striking out "Five and inserting One," and as so amended recommend that the same do pass.

House Bill Nos. 208, 231 and 86 we would report back with recommendation that same do pass.

House Bill No. 213, amend line 32, Section 4873 of the printed bill by striking out "day" and inserting "Monday," and as so amended recommend that same do pass.

W. J. KENNEDY,
Chairman.

On motion of Stanton the House adopted the following amendments to House Bill No. 86.

Amendment to report of the Committee of the Whole, House Bill No. 86. Amend Section I by striking out lines 20, and all of line 21 up to the semicolon on said line between the words "river" and "thence", and insert in lieu thereof the following: "southwest corner of township 14 north, range 1 east; thence west along the south line of townships 14 north to the southwest corner of township 14 north, range 1 west; thence north along the west line of range 1 west to a point on said range line directly opposite the junction of the Dearborn river with the Missouri river."

On motion of Humber the following amendment was adopted to House Bill 86, "Strike out all that part of House Bill No. 86 which has reference to Deer Lodge County," by the following vote:

Ayes—Armitage. Bartlett, Bourne, Bruffy, Butler, Carroll, Clem, Dee, Edwards, Hart, Humber, Kelly, J. N., Kennedy, Lindsay, Lewis, Longstaff, Marcum, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, Owens, Owsley, Perrine, Phillips, Sanford, Shifelbin, Stork, Taylor, Whipple —33.

Noes—Brown, Buckley, Caldwell, Campbell, Cochran, Elliott, Evans, Greenfield, Hepner, Hewett, Hill, Kelly, W. M., Langhorne, Loeb, McCabe, McIntire, O'Malley, Penwell, Ramsey, Shovlin, Stanton, Sullivan, Watkins, Whyte, Woods, Mr. Speaker—26.

Absent—Clark, Gilna, Leehey, O'Connor, Power, Stephens, Wamsley—7.

On motion of Clem the report of the Committee of the Whole was adopted and House Bill No. 206 as amended also House Bills Nos. 208, 231 and 86 as amended also House Bill No. 213 as amended were ordered engrossed.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report the following bills as correctly engrossed. House Bill Nos. 48 and 123.

C. F. STORK,
Chairman.

Mr. Speaker:

The Committee of the Whole have had under consideration House Bill No. 203. House Bill No. 204 House Bill No. 280, and House Bill No. 188, and report the same back with the accompanying amendments and as so amended recommend that they do pass.

LEWIS PENWELL.
Chairman.

Mr. Speaker:

The Committee of the Whole having had under consideration House Bill Nos. 183, 189, 195, 270, recommend that they do pass.

LEWIS PENWELL,
Chairman.

House Bills Nos. 203, 204, 280 and 188 were ordered engrossed.

House Bills Nos. 183, 189, 195 and 270 were ordered engrossed.

The following reports were received:

Mr. Speaker:

The Committee of the Whole having had under consideration House Bills

15, 16, 177 and 254, and submit the following and recommend its adoption We recommend that House Bill No. 15 and 16 be indefinitely postponed. That in House Bill Nos. 177 and 254 the enacting clause be stricken out.

LEWIS PENWELL,
Chairman.

On motion of Clarke the report was adopted and House Bills Nos. 15, and 16 were indefinitely postponed, and the enacting clause ordered stricken out of House Bills Nos. 177 and 254.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report the following bills as properly engrossed, Nos. 166, 4, and 52.

C. F. STORK,
Chairman.

Mr. Speaker:

The Committee of the Whole, having had under consideration House Bill No. 266, report the same back with the accompanying amendments, and as so amended recommend that it do pass.

McNALLY,
Chairman.

On motion of Clem the amendments to House Bill 206 were adopted and the same was ordered enrolled.

Mr. Speaker announced the signing of House Joint Memorial No. 3.

On motion of Clark the House concurred in Senate amendments to Substitute for House Bill No. 17 and the same were ordered enrolled.

The following report was received:

Mr. Speaker:

Your Committee on "Affairs of Cities" having had under consideration House Bill No. 278, being "A Bill for an Act entitled an Act to provide for the vacating of town and village plats and portions thereof, beg leave to recommend the attached substitute in lieu thereof, and recommend that the said substitute do pass.

HEPNER,
Chairman.

On motion of Carroll the Substitute to House Bill No. 278 was adopted and the same was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on State Boards and Officers have had under consideration House Bill No. 288, " A Bill for an Act entitled an Act to amend Sub-division 3 of Section 410, Article 5, Chapter 3, Title 1, Part 3 of the Political Code, relating to fees of the Secretary of State," beg leave to report the same back to the House with the recommendation that it do pass.

HUMBER,
Chairman.

House Bill No. 288 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill No. 249, "A Bill for an Act concerning the boundaries of Fergus County," refer the same back to the House with the recommendation that its further consideration be indefinitely postponed, account of your Committee having reported favorably this date Senate Bill No. 82 covering the same matter.

WHIPPLE,
Chairman.

On motion of Caroll House Bill No. 249 was indefinitely postponed.

The following reports were received:

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred Senate Bill No. 82, A Bill for an Act to extend and define the boundaries of Fergus County," refer the same back to the House and recommend that we do concur in the same.

WHIPPLE,
Chairman.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred Senate Bill No. 41, "An Act to amend Sections 2860 and 2864 inclusive, providing for a county board of health" refer the same back to the House without recommendation.

WHIPPLE,
Chairman.

Mr. Speaker:

Your Committee on Insurance having had under consideration Senate Bill No. 64 being "A Bill for an Act to provide for the organization, regulation and inspection of building and loan associations, and to repeal Sections 770 to 845 inclusive of the Civil Code of Montana, beg leave to recommend that the same be concurred in .

CAMPBELL,
Chairman.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred Senate Bill No. 90, "A Bill for an Act to amend Section 3203 of the Political Code, relative to the care of Poor Children," beg leave to report the same back with the recommendation that the same be concurred in.

LANGHORNE,
Chairman.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred Senate Bill No. 93, A Bill for an Act to confer certain powers upon any society organized for the purpose of providing homes for homeless children and upon Mayors, County Commissioners and Justices of the Peace in regard to the care of indigent children, beg leave to report the same back with the recommendation that it be concurred in.

LANGHORNE,
Chairman.

Senate Bills Nos. 82, 41, 64, 90 and 93 were placed upon the General Orders.

The following report was received:

Mr. Speaker:

We, your Committee on Incorporations and Manufactures, having had under consideration House Bill No. 281, introduced by Mulville, "A Bill for an Act to secure depositors," beg leave to report the same back with the recommendation that it do pass.

ELLIOTT,
Chairman.

The following report was received:

Mr. Speaker:

Your Committee to whom was referred Substitute for Senate Bill No. 70, Senate Bill No. 85, Substitute for Senate Bill No. 66, and Substitute for Senate Bill No. 2, having had the same under consideration report the same back to the House with the recommendation that they be placed on general orders for consideration.

Vice-Chairman.

Senate Bills Nos. 70, 85, Substitute for Senate Bill No. 66 and Substitute for Senate Bill No. 2 were placed upon General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Joint Resolution No. 3 and House Bills No. 267, 259, 230, 292, 294, 233, 200, 235, and 299 and Substitute for 185 beg leave to report back same properly printed.

D. P. O'CONNOR,
Chairman.

House Joint Resolution No. 3 and House Bills Nos. 267, 259, 230, 292, 294, 233, 200, 235 and 299 and Substitute for 185 were placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on State Lands to which was referred House Bill No. 305, beg leave to report the same back with the recommendation that it be printed.

WHITESIDE,
Chairman.

Mr. Speaker:

Your Committee on Ways and Means have instructed me to report House Bill No. 282, introduced by McCabe, and concerning mileage of sheriffs, with the recommendation that it do pass.

RAMSEY,
Chairman.

House Bills Nos. 305 and 282 were ordered printed.

The following reports were received:

Mr. Speaker:

Your Committee on Ways and Means having had under consideration Substitute for Senate Bill No. 61, introduced by Hannah, and relating to the reduction of county officers' salaries, have instructed me to report the same back with the recommendation that it be taken up at the same time as the House Bill No. 165 on the same subject, introduced by the Committee on Ways and Means.

RAMSEY,
Chairman.

Mr. Speaker:

Your Committee on Ways and Means having had under consideration Senate Bill No. 48, introduced by the Committee on Judiciary, and relating to the salary of the Register of State Lands, have instructed me to report the same back with the recommendation that the bill do pass.

RAMSEY,
Chairman.

Mr. Speaker:

Your Committee on Ways and Means having had under consideration Senate Bill No. 73, introduced by Hoffman, and relating to State Lands, have instructed me to amend the same with the recommendation that the bill do pass.

RAMSEY,
Chairman.

Senate Bills Nos. 61, 48, and 73 were placed upon the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means having had under consideration Senate Bill No. 28, have instructed me to return the same with the accompanying amendments without recommendation.

RAMSEY,
Chairman.

Humber moved to add to the amendments offered by the committe to Senate Bill No. 28 the following:

Amend Senate Bill No. 28 by adding a new Section to the Bill as follows: That no gambling on Horse racing or Pool Selling on the same shall be allowed in the State of Montana.

McCabe moved to lay the amendment on the table.

Motion lost.

On motion of Campbell the amendments offered by the Committe and the one offered by Humber were ordered printed.

Senate Bill No. 28, was placed upon the General Orders.

On motion of McCabe the House took a recess until 2 P. M.

AFTERNOON SESSION.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

SPECIAL ORDERS.

The hour having arrived for which House Bill No. 184 had been made a special order the House resolved itself into Committe of the Whole for its consideration.

Brown in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means to which has been handed the amended Shovlin bill House Bill No. 63 for the semi-annual payment of taxes, have instructed me to return the same with the recommendation that the bill be printed.

RAMSEY,
Chairman.

The amended House Bill No. 63 was ordered printed.

The following reports were received:

Mr. Speaker:

The Steering Committee of the House in advisory meeting with the Senate Committee, has instructed me to make a supplemental report recommending Senate Bill No. 64, now on General Orders, for consideration at the same time as the license and revenue bills now upon the head of the calendar on General Orders.

RAMSEY,
Chairman.

Mr. Speaker:

The Steering Committee of the House having met with the Advisory Committee of the Senate for the purpose of discussing a plan of action, have instructed me to report for consideration the following bills after House Bill No. 69.

Substitute for Senate Bill No. 12, State Examiner—2.
Substitute for Senate Bill No. 45, Land Agent, 2, 4, 97.
Substitute for Senate Bill No. 46, Vet. Surgeon 2, 4, 97.

Substitute for Senate Bill No. 47, Expenses of State Officers 1, 2.
Substitute for Senate Bill No. 48, Register Land Office.
Substitute for Senate Bill No. 88, Reporter Supreme Court.
Substitute for Senate Bill No. 75, Clerk Supreme Court.
Substitute for Senate Bill No. 76, Boiler Inspector.
Substitute for Senate Bill No. 77, Assistant Inspector.
Substitute for Senate Bill No. 11, Labor Commissioner.

RAMSEY,
Chairman.

On motion of Greenfield the report was adopted.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By the Ways and Means Committee:

House Bill No. 314, A Bill for an Act to amend Section 3075, Title 3 of the Penal Code.

By Owsley:

House Bill No. 315, A Bill for an Act to amend Section 4643 relating to constables fees.

By the Ways and Means:

House Bill No. 316, A Bill for an Act appropriating one weeks salary to pay Joseph Ryan for forwarding the mail to the members of the Fifth Legislative Assembly after the adjournment of the present session.

Pursuant to previous motion Lindsay moved the reconsideration of the vote by which the Substitute for House Bill No 19 was passed.

Motion lost.

RESOLUTIONS.

The following report was received:

Whereas, Under the dispensation of Providence, death has invaded the family of an honored member of this House, the Hon. M. D. Leehey, and carried away their only and beloved child ;and,

Whereas, his colleagues of the Fifth Legislative Assembly deeply sympathize with him and his estimable wife in this said bereavement, and mourn with them over the plucking away of this tender flower, be it

Resolved, That the heartfelt sympathies of the members of the House be and are hereby tendered to the bereaved parents in this, their hour of sadness;

Resolved, That a copy of these resolutions be spread upon the Journal of the House, and an engrossed copy thereof be forwarded to the bereaved family.

LANGHORNE,
LINDSAY,
ELLIOTT.

On motion of McCabe the report was adopted and the Clerk was instructed to enter upon the Journal that the motion to adopt was unanimously carried by a rising vote:

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment report amendments to Senate Bill No. 1 as properly engrossed.

C. F. STORK,
Chairman.

Mr. Speaker:

The Committee of the Whole having had under consideration House Bill No. 184 report it back with the accompanying amendments and as amended recommend that it do pass.

BROWN,
Chairman.

On motion of Watkins the amendments reported to House Bill No. 184 were adopted and the bill as amended was ordered engrossed.

House Bills Nos. 314 and 316 were read first and second time and ordered printed.

House Bill No. 215 was read first and second time and referred to Committee on Judiciary.

MESSAGE FROM THE GOVERNOR.

The following communication was received:

Executive Office, Montana,
Helena, Montana, February 25, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I herewith transmit for your consideration the Appeal of Robert Saury from the decision of the former State Board of Examiners in reference to his claim for the reward offered by the Governor for the arrest and conviction of the murderer of one Mrs. Cunningham of Flathead County.

Respectfully,
ROBT. B. SMITH,
Governor.

The communication and accompanying papers were referred to Committee on Appropriations.

MESSAGE FROM THE SENATE.

The following communications were received:

Senate Chamber.
Helena, Montana, February 23rd, 1897.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate has refused to concur in House Bill No. 80, which is herewith transmitted. House Bill No. 83 has been concurred in, and House Bill No. 1 has been concurred in as amended, both of which are herewith transmitted, and you are respectfully requested to concur in the amendments to House Bill No. 1.

The Senate has passed substitute for Senate Bill No. 11, substitute for Senate Bill No. 56, and Senate Bills Nos. 49 and 92, all of which are herewith transmitted for your concurrence.

The Senate has also adopted Senate Joint Resolution No. 4, which is herewith transmitted.

The following bills were introduced:

By Flowerree:

Senate Bill No. 108, A Bill for an act to prevent the intoxication of Indians. half breeds, and mixed bloods.

By Auld:

Senate Bill No. 109, A Bill for an Act regulating the storage and transportation of explosives and amending the laws with reference thereto.

By Committee on Apportionment and Representation:

Senate Bill No. 110, A Bill for an act to provide for the representation of Broadwater County in the Legislative Assembly of Montana until and apportionment of representatives be made in accordance with the provisions of Article 6, section 2 of the Constitution.

JOHN BLOOR,
Secretary of Senate.

Senate Chamber,
Helena, Montana, February 24. 1897.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House Bills Nos. 53, 75 and 87 and 77 have been concurred in as amended. amendments are attached to said bills and are herewith transmitted for your concurrence.

House Bill No. 81 was read a third time and rejected. House Joint Memorial No. 4 are concurred in and is herewith transmitted. House Bills Nos. 56, 70, and 78 were concurred in and are herewith transmitted.

Senate Bill No. 96, Senate Substitute for House Bill No. 74, and Senate Bills Nos. 99, 91, 94, 101 and 104 have passed the Senate and are herewith transmitted for your concurrence.

The following bills were introduced:

By Greene:

Senate Bill No. 111, A Bill for an Act to license and regulate the sale of cigarettes and cigarette paper and other articles used in the manufacture of cigarettes.

By Committee on Mines and Mining:

Senate Bill No. 112. A Bill for an Act to repeal section 494 of Chapter 2, Title 2, Part 2 of the Code of Civil Procedure relating to adverse possession.

JOHN BLOOR.
Secretary.

Senate Chamber,
Helena, Montana, February 23, 1897.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate has passed substitute for Senate Bill No. 59, which said bill is herewith transmitted for your concurrence.

The following bills were introduced:

By Riddell:

Senate Bill No. 102, A Bill for an act to repeal sections 1012 and 1013 of the Civil Code relating to sales of property by mining corporations.

By Riddell:

Senate Bill No. 103, A Bill for an Act to repeal Section 451 of the Civil Code, relating to annual reports of corporations.

By Judiciary Committee:

Senate Bill No. 104, A Bill for an act to amend Section 1656, Chapter 5, Title 3, Part 3, of the Political Code of Montana, providing for the State Normal School and defining the powtr and duties thereof, and also providing for the acceptance of bequests of donations.

By Hannah:

Senate Bill No. 105, A Bill for an act to amend Sections 4595 and 4597, Part 4, Title 2, Chapter 4, of the Political Code of Montana, relating to the number and salaries of deputies of county offices and to provide for a reduction of the same.

By Riddell:

Senate Bill No. 106, A Bill for an act prescribing the duties of railroad corporations in certain cases.

By Riddell:

Senate Bill No. 107, A Bill for an act to amend Section 891 of the Code of Civil Procedure, relating to attachments.

Respectfully,
JOHN BLOOR,
Secretary.

House Bill No. 183 was ordered enrolled.

On motion of Elliott Senate amendments to Substitute for House Bill No. 1 were concurred in by the House and the Bill was ordered enrolled.

On motion of Evans Senate amendments to House Bill No. 77 were concurred in by the House and the Bill was ordered enrolled.

On motion of Clem Senate amendments to House Bills Nos. 83 and 53 were concurred in by the House and the Bills were ordered enrolled.

On motion of Lindsay Senate amendments to House Bill No. 87 were concurred in and the bill was ordered enrolled.

On motion of Dee Senate amendments to House Bill No. 74 were concurred in and the bill was ordered enrolled.

REFERENCE OF BILLS.

The following Senate Bills were read first and second time:

Substitute for Senate Bill No. 11, introduced by Hannah: A Bill for an Act to repeal Section 760 to 777, inclusive, being all of Article 22, Chapter 3, Title 1, Part 3, of the Political Code and to substitute therefor Sections 760 to 768, relating to the establishment of a Bureau of Agriculture, etc., and specifying the duties of the Commissioner thereof.

Read first and second time and referred to the Committee on Agriculture and Stock Growing.

By Hoffman:

Senate Bill No. 91, Bill for an act relating to Farmers' Institute.

Read first and second time and referred to the Committee on Agriculture and Stock Growing.

By Auld:

Senate Bill No. 94, Bill for an act entitled an act amending section 320 and 321, Article 9, Chapter 1, Title 3, of the Code of Civil Procedure, providing for the drawing of Grand Juries.

Read first and second time and referred to Judiciary Committee.

By Metzel:

Senate Bill No. 92, Bill for an act to amend section 3259, Article 10, Chapter 13, Title 7, Part 3, of the Political Code in reference to animals breaking into an enclosure surrounded by a legal fence.

Referred to the Committee on Agriculture and Stock Growing.

By Babcock:

Senate Bill No. 49, Bill for an act to make a portion of the Crow Indian Reservation in the State of Montana, a part of Yellowstone County, and to alter the boundary lines of the county of Yellowstone and Custer so far as may be necessary to make them conform to the provisions of this act.

Referred to the Committee on Towns and Counties.

Recommended by the Judiciary Committee:

Substitute for Senate Bill No. 59, Bill for an act entitled an act to legalize the acts of city councils in the matters of assessments for the special inprovements and bonds and warrants issued in payment therefor.

Referred to the Ways and Means Committee.

By Smead:

Senate Bill No. 96, Bill for an act to provide for the re-appointment of fourth class public school lands within the state.

Referred to the Judiciary Committee.

By the Judiciary Committee:

Senate Bill No. 104, Bill for an act to amend Section 1656, Chapter 5, Title 3, of the Political Code providing for the appointment of all executive boards for the direction and control of the state normal school and defining the powers and duties thereof, and also providing for the acceptance of bequests and donations.

Referred to the Committee on State Institutions, Public Buildings and Grounds.

By Metzel:

Substitute for Senate Bill No. 56, Bill for an act to amend Section 1770 to 1782, inclusive, of Article 4, Part 3, Title 3, Political Code, relating to the election of school trustees, and to amend said article by adding thereto six additional sections with the reference to the election of school trustees, providing for registration in certain districts, and a compensation for school trustees in certain districts, and appealing all acts and parts of acts in conflict therewith.

Referred to the Committee on Education.

By Greene:

Senate Bill No. 101, Bill for an act to amend Section 401 of the Civil Code of the State of Montana, Part 4, of Divisions I of said Code, relating to corporations formed or existing before said code took effect.

Referred to Judiciary Committee.

By the Finance Committee:

Senate Bill No. 99, Bill for an act providing for the transfer of certain moneys from the permanent school fund of the State Board of Land Commissioners, the State Auditor and State Treasurer, to make proper entries in the books of their respective offices.

Referred to the Committee on State Lands.

By Chandler:

Senate Bill No. 15, Bill for an act to provide for the registration of land titles in the State of Montana, and to simplify and facilitate the transfer of real estate.

Read first and second time and rejected.

Senate Joint Resolution No. 4 was read first and second time and on motion of Langhorne was laid on the table by the following vote:

Ayes—Bartlett, Bourne, Brown, Buckley, Butler, Caldwell, Campbell, Clark, Cochran, Dee, Elliott, Gilna, Greenfield, Hepner, Hewett, Hill, Kelly, W. M., Kennedy, Langhorne, Lindsay, Lewis, Loeb, Longstaff, McCabe McIntire, McMahon, McNally, Metlen, Morgan, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Ramsey, Shovlin, Stanton, Wamsley, Warren, Watkins, Whipple, Whiteside, Woods, Mr. Speaker—48.

Noes—Armitage Bruffy, Carroll, Clem, Edwards, Hart, Humber, Marcum, Morton, Sanford, Shifelbin, Stork, Sullivan, Taylor, Whyte—15.

Absent—Evans, Kelly, J. N., Leehey, Power, Stephens—5.

McMahon moved to reconsider the vote by which Senate Joint Resolution No. 4 was laid upon the table.

On motion of Langhorne the motion of McMahon was laid upon the table.

Dee gave notice that he would on to-morrow move a reconsideration of the vote by which the House concurred in Senate Substitute for House Bill No. 74.

Lindsay gave notice that he would on to-morrow move a reconsideration of the vote by which Senate Bill No. was rejected.

House Bill No. 123 was read a third time and passed by the following vote:

Ayes—Armitage Bartlett, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Elliott, Greenfield, Hart, Hill, Kelly, W. M., Kennedy, Langhorne, Lewis, Loeb, Longstaff, McCabe, McIntire, Metlen, Morgan, Newton, O'Connor, Owens, Penwell, Perrine, Power, Ramsey, Sanford, Shovlin, Stanton, Sullivan, Taylor, Warren, Watkins, Whipple, Woods —43.

Noes—Edwards, Evans, Gilna, Hepner, Humber Lindsay, Marcum, McMahon, Morton, Mulville, O'Malley, Phillips, Shifelbin, Stork, Wamsley, Whyte Whiteside, Mr. Speaker—18.

Absent—Bourne, Hewett, Kelly, J. N., Leehey, McNally, Owsley, Stephens —7.

Title agreed to.

House Bill No. 166 was read a third time and passed by the following vote:

Ayes—Armitage, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hill, Humber, Kelly, W. M., Kennedy, Langhorne, Lindsay, Lewis, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Philips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stork, Sullivan, Taylor, Wamsley, Warren, Whipple, Woods, Mr. Speaker —59.

Noes—Bartlett—1.

Absent—Bourne, Hewett, Kelly, J. N., Leehey, Stephens, Watkins, Whyte, Whiteside—8.

Title agreed to.

House Bill No. 52 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clem, Cochran ,Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly W. M., Kennedy, Langhorne, Lindsay, Lewis, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Ramsey, Sanford, Shovlin, Stanton, Stork, Sullivan, Taylor, Wamsley, Warren, Whipple, Woods, Mr. Speaker—54.

Noes—None.

Absent—Bourne, Buckley, Clark, Kelly, J. N., Leehey, Loeb, Perrine, Phillips, Power, Shifelbin, Stephens, Watkins. Whyte, Whiteside—14.

Pairs were announced on House Bill No. 4 .Lindsay with Loeb.

House Bill No. 4 was read a third time and pased by the following vote:

Ayes—Buckley, Butler, Carroll, Clem, Dee, Elliott, Evans, Gilna, Greenfield, Hepner, Hewett, Hill, Longstaff, McCabe, McIntire, McMahon, McNally, Morton, Mulville, O'Malley, Penwell, Sanford, Stanton, Stork, Sullivan, Tayor, Wamsley, Whipple, Mr. Speaker—29.

Noes—Armitage, Brown, Bruffy, Caldwell, Campbell, Clark, Cochran, Edwards, Hart, Humber, Kelly, W. M., Kennedy, Langhorne, Lewis, Marcum, Metlen, Morgan, Owens, Owsley, Perrine, Ramsey, Warren, Woods—23.

Paired—Lindsay, Loeb—2.

Absent—Bartlett, Bourne, Kelly, J. N., Leehy, Newton, O'Connor, Phillips, Power, Shifelbin, Shovlin, Stephens, Watkins, Whyte, Whiteside—14.

Title agreed to.

House Bill No. 48 was read a third time and lost by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Buckley, Butler, Caldwell, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Hart, Hewett, Hill, Humber, Kennedy, Lindsay, Longstaff, Marcum, McMahon, McNally, Metlen, Morgan, Morton, Mulville, O'Malley, Owens, Perrine, Sanford Shifelbin, Stork Taylor, Watkin, Whipple, Whyte, Woods—40.

Noes—Bourne, Campbell, Clark, Greenfield, Hepner, Kelly, W. M., Langhorne, Lewis, Loeb, McCabe, McIntire, Newton, O'Connor, Owsley, Phillips, Ramsey, Shovlin, Stanton, Sullivan, Wamsley, Warren, Mr. Speaker—22.

Absent—Kelly J. N., Leehey, Penwell, Power, Stephens, Whiteside—6.

Pairs were announced on Senate Bill No. 1 between Clem and Power and Watkins and Whitesides.

Senate Bill No. 1 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Butler, Caldwell, Campbell, Clark, Cochran, Dee, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, W. M., Kennedy, Langhorne, Lewis, Loeb, Longstaff, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Mulville, Newton, O'Connor, O'Malley, Owsley, Phillips, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stork, Sullivan, Taylor, Wamsley, Warren, Whipple, Woods, Mr. Speaker--50.

Noes—Bruffy, Carroll, Edwards, Lindsay, Marcum, Morton, Owens, Perrine, Whyte—9.

Absent—Buckley, Kelly, J. N., Leehey, Penwell, Stephens—5.

On motion of Langhorne the House took a recess until 7:30 P. M.

EVENING SESSION.

7:30 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called, Quorum present.

The House resolved itself into Committee of the Whole for the consideration of General Orders.

Cochran in the chair.

House resumed.

Mr. Speaker in the chair.

Cochran of the Committee of the Whole requested further time in which to report, request granted.

On motion of Clem the House adjourned.

DAVID MARKS,
Chief Clerk.

FIFTY-FOURTH DAY.

House of Representatives,
Helena, Montana, February 26th, 1897.

House met pursuant to adjournment at 10 o'clock A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Journal of Fifty-third day read and approved.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration House Bills 258, 217, 268, 67, 160, and Substitute for House Bill 162, report them back with the accompanying amendments and as amended recommend that they do pass.

W. H. COCHRAN,
Chairman.

The House further amended House Bill No. 162 as follows:

Amend Section 4085 so as to read as follows:

"Section 4085. The owner of every bicycle used for pleasure, profit or for rent shall pay a tax thereon of two dollars per annum for each bicycle which tax shall be collected in the same manner as poll tax and shall be paid to the road fund of the county."

Amend Section 4068 at end of line 85 by adding the following:

"Every wholesale dealer in malt liquors exclusively, where the same are sold in quantities of more than four gallons, shall pay a license of seventy-five dollars per annum."

Amend by adding a new Section as follows:

"Section 4070 of the Political Code of the State of Montana is hereby repealed."

The report of the Committee of the Whole was adopted and House Bills 258, 217, 268, 67, 160 and Substitute for House Bill 162 as amended were ordered engrossed.

REPORT OF STANDING COMMITTEES.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment report the following bills as properly engrossed. House Bill Nos. 84 and 125.

C. F. STORK,
Chairman.

Mr. Speaker:

We, your Committee on Internal Improvements having had under consideration Senate Bill No. 83, introduced by Hoffman on request, "A Bill for an Act to amend Section 702 of the Penal Code relating to the manufacture and sale of adulterated candy,' beg leave to report the same back with the recommendation that it be concurred in .

MARTIN BUCKLEY,
Chairman.

Mr. Speaker:

We, your Committee on Internal Improvements, having had under consideration House Bill No. 302, introduced by Power, "A Bill for an Act to amend Section 1290 of the Code of Civil Procedure relating to proceedings in foreclosure," beg leave to report the same back with the recommendation that it do pass.

MARTIN BUCKLEY,
Chairman.

Senate Bill No. 83 was ordered placed upon the General Orders.

House Bill 302 was ordered printed.

The following report was received:

Mr. Speaker:

We, your Committee on Military Affairs, to whom was referred Senate Bill No. 13, beg leave to report that we have carefully considered the same, and recommend the following amendments:

Amend Section 2 by adding subdivision 4. as follows:

4. Members of organized fire companies.

Amend Section 18, as follows:

Section 18. In time of peace, there may be held every year an encampment of the National Guard, not to exceed ten (10) days in duration, at the State Military Reservation (Old Fort Ellis), near Bozeman, at such time as the Governor shall direct.

For services during such encampment, the National Guard shall be entitled to the following per diem:

Privates and Musicians	$1.50
Corporals	1.60
Sergeants	1.75
Non-Commissioned Staff Officers and Members of the Regimetal Band	2.00
First and Second Lieutenants	2.25
Captains and all Officers of higher rank	2.75

In addition to the per diem allowed above, the necessary transportation and subsistence in going to and returning from such encampment may be allowed, all of which shall be paid from the Treasury of Montana, on approval by the Governor. And as so amended, your Committee would recommend that the bill be concurred in by the House.

W. M. KELLY,
Chairman.

Kennedy moved to adopt the report.

Motion lost.

Senate Bill No. 13 was placed upon the General Orders.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment report as properly engrossed House Bills Nos. 40 and 86.

C. F. STORK,
Chairman.

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 120, 277, 293, 252, 232, 296, 214, 237, 301, 307, 303 and 310 beg leave to report back same properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 120, 277, 293, 252, 232, 296, 214, 237, 301, 307, 303 and 310 were placed upon the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Ways and Means having had under consideration House Bills Nos. 223, 244, and 221, relating to the issuance of bonds for the State Capitol Building, the School of Mines and Deaf and Dumb Asylum, have instructed me to return the same for indefinite postponement because of duplicate bills having passed the Senate; the Committee recommend that the Senate Bills be taken up instead, and recommend that Senate Bill No. 74,

RAMSEY,
Chairman.

On motion the report was adopted and House Bills Nos. 223, 224, and 221 were indefinitely postponed and Senate Bills Nos. 74 and 72 were placed upon the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 42, "A Bill for an act to amend Section 2530 of Chapter 3, Article 9, of the Code of Civil Procedure, and specifying the qualifications of judges in probate proceedings," introduced by Ramsdell beg leave to report the same back to the House without recommendation.

CAMPBELL,
Vice-Chairman.

Senate Bill No. 42 was placed upon the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 287, "A Bill for an Act to amend Section 4315 of Part IV, Title II, Chapter III, Article I, of the Political Code, relating to the term of the assessor," introduced by Lindsay:

House Bill No. 297, "A Bill for an Act to amend Section 401 of the Civil Code of the State of Montana, Part IV of Division First of said Code, relating to corporation formed or existing before said Code tok effect," introduced by Sullivan;

House Bill No. 300, "A Bill for an Act to amend Section 686, Title X, of the Penal Code of the State of Montana, relating to the duty of city marshal," introduced by J. N. Kelly;

House Bill No. 306, "An Act concerning false pretenses, amending Section 2088 of the Penal Code of the State of Montana, and repealing Section 895 of said Penal Code," introduced by Marcum;

House Bill No. 312, "A Bill for an Act to amend Section 1260 and to reoeal Section 1261 of the Political Code," introduced by Owsley;

House Bill No. 313, "A Bill for an Act relating to costs in criminal cases," introduced by Humber; having had the same under consideration report the same back to the House with the recommendation that they be printed and placed on General Orders.

CAMPBELL,
Vice-Chairman.

House Bills Nos. 287, 297, 300, 306, 312 and 313 were placed upon the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Education herewith returns substitute for Senate Bill No. 56, relating to school elections, and recommend that it be concurred in.

GREENFIELD,
Chairman.

Substitute for Senate Bill No. 56 was placed upon the General Orders.

Pursuant to notice given at yesterday's session Lindsay moved to reconsider the vote by which Senate Bill No. 15 was rejected.

The motion was carried by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Butler, Caldwell, Carroll, Clark, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kennedy, Langhorne, Lindsay, McCabe, McIntire, McMahon, McNally, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Sanford, Shifelbin, Shovlin, Stanton, Taylor, Wamsley, Warren, Watkins, Whipple, Whyte, Mr. Speaker—49.

Noes—Buckley, Campbell, Clem, Humber, Kelly, W. M., Longstaff, Marcum, Metlen, O'Connor, Ramsey, Stephens, Stork, Sullivan, Woods—14.

Absent—Leehey, Lewis, Loeb, Power, Whiteside—5.

On motion of Dee the vote by which the House concurred in Senate Substitute to House Bill No. 74 was reconsidered.

MESSAGES FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, February 25th, 1897.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate has passed Senate Bills 79, 95 and 100, which are transmitted herewith for your concurrence.

The following Bills were introduced:

By Committee on Judiciary:

Senate Bill No. 113, A Bill for an act to amend sub-division 3 and sub-division 12 of Section 410 of the Political Code relating to fees of Secretary of State.

Very respectfully,
JOHN BLOOR,
Secretary.

REFERENCE OF BILLS.

Senate Bill No. 95 was read first and second time and referred to Committee on Irrigation and Water Rights.

Senate Bill No. 100 was read first and second time and referred to Committee on Agriculture and Stock Growing.

Senate Bill No. 79 was read first and second time and referred to Committee on State Institutions Public Buildings and Lands.

Senate Bill No. 15 was read first and second time and referred to Committee on State Lands.

On motion of Buckley the House took a recess until 1:30 P. M.

AFTERNOON SESSION.

1:30 P. M.

House resumed.

Mr. Speaker in the chair.

No quorum being present.

On motion of Campbell the House took a recess until 2 P. M.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

On motion of McMahon the House refused to concur in Senate Substitute for House Bill No. 174.

THIRD READING OF BILLS.

House Bill No. 84 was read a third time and passed by the following vote:

Ayes—Bourne, Brown, Buckley, Carroll, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Lewis, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morton, Newton, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Sullivan, Taylor, Wamsley, Watkins, Whipple, Woods—44.

Noes—Armitage, Bruffy, Caldwell, Clem, Hart, Longstaff, Morgan, Mulville, Mr. Speaker—9.

Absent—Bartlett, Butler, Campbell, Clark, Langhorne, Leehey, Lindsay, Loeb, O'Connor, Power, Ramsey, Stork, Warren, Whyte, Whiteside—15.

Owsley moved that the vote by which House Bill No. 84 passed be reconsidered.

Moved that the motion to reconsider be laid upon the table.

Motion lost by the following vote:

Ayes—Buckley, Dee, Elliott, Gilna, Hepner, Hill, Humber, Kelly, W. M., Kennedy, Longstaff, McNally, Mulville, Newton, Stephens, Stork, Wamsley, Whyte—17.

Noes—Armitage, Bartlett, Bourne, Brown, Bruffy, Caldwell, Campbell, Carroll, Clark, Clem, Edwards,, Evans, Greenfield, Hart, Hewett, Kelly, J. N., Langhorne, Lindsay, Lewis, McCabe, McIntire, McMahon, Metlen, Morgan, Morton, Owens, Owsley, Penwell, Perrine, Phillips, Sanford, Shifelbin, Shovlin, Stanton, Sullivan, Watkins, Whipple, Whiteside, Woods, Mr. Speaker—40.

Absent—Butler Cochran, Leehey, Loeb, Marcum, O'Connor, O'Malley, Power, Ramsey, Taylor, Warren—11.

The motion of Owsley prevailed.

House Bill No. 84 was again placed upon its final passage and lost by the following vote:

Ayes—Buckley, Dee, Elliott, Gilna, Hepner, Hill, Humber, Kelly, W. M., Kennedy, Lewis, Longstaff, McCabe, McIntire, McMahon, McNally, Morton, Mulville, Newton, Sanford, Shifelbin, Shovlin, Sullivan, Wamsley, Whipple, Mr. Speaker—25.

Noes—Armitage, Bourne, Brown, Bruffy, Caldwell, Campbell, Carroll, Clark Clem, Cochran, Edwards, Evans, Greenfield, Hart, Hewett, Kelly, J. N., Langhorne, Lindsay, Marcum, Metlen, Morgan, Owens, Owsley, Penwell, Phillips, Stanton, Stephens, Taylor, Watkins, Woods—30.

Absent—Bartlett, Butler, Leehey, Loeb, O'Connor, O'Malley, Perrine, Power, Ramsey, Stork, Warren, Whyte, Whiteside—13.

Ramsey was given unanimous consent to introduce a bill relative to the appropriation for the Trans-Mississippi Exposition. Time was given to prepare the bill.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Elliott:

House Bill No. 320, Bill for an act to amend Section 4753 of the Political Code of the State of Montana, relating to qualifications of alderman.

By Longstaff:

House Bill No. 317, Bill for an act relating to trials by jury in cases of violation of city or town ordinances in Police courts.

By Ramsey:

House Bill No. 318, Bill for an act to amend Section 3992, Title 15, Chapter 1, Article 1, Division 3, of the Civil Code, relating to negotiable instruments.

By McCabe:

House Bill No. 319, Bill for an act to change and define the boundaries of Lewis and Clarke Co., Broadwater County, Deer Lodge County, Meagher County, and Cascade County.

THIRD READING OF BILLS.

House Bill No. 125 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Caldwell, Campbell, Carroll, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hill, Humber, Kennedy, Lindsay, Longstaff, McCabe, McMahon, Metlen, Morgan, Morton, Newton, Owens, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Sullivan, Taylor, Wamsley, Whipple, Whyte—39.

Noes—Clark, Clem, Hewett, Kelly, J. N., Kelly, W. M., Langhorne, Lewis, Marcum, McNally, Mulville, Owsley, Penwell, Perrine, Phillips, Woods, Mr. Speaker—16.

Absent—Butler ,Hart, Leehey, Loeb, McIntire, O'Connor, O'Malley, Power, Ramsey, Stork, Warren, Watkins, Whiteside—13.

Title agreed to.

House Bill No. 40 was read a third time and lost by the following vote:

Ayes—Armitage, Bartlett, Caldwell, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Hill, Humber, Kennedy, Langhorne, McMahon, McNally Morton, Mulville, O'Malley, Owsley, Penwell, Perrine, Sanford, Shifelbin, Stephens, Stork, Taylor, Wamsley, Watkins, Whyte, Woods—32.

Noes—Bourne, Brown, Bruffy, Buckley, Butler, Campbell, Clark, Greenfield, Hart, Hepner, Hewett, Kelly, J. N., Kelly, W. M., Lindsay, Lewis, Longstaff, Marcum, McCabe. McIntire, Metlen, Morgan, Newton, O'Connor, Owens, Phillips, Ramsey, Shovlin, Stanton, Sullivan, Warren, Whipple, Mr. Speaker —32.

Absent—Leehy, Loeb, Power, Whiteside—4.

House Bill No. 86 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett. Bourne, Brown, Bruffy, Buckley, Butler, Campbell. Clark, Clem, Dee, Elliott, Evans, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M. Kennedy, Langhorne, Lindsay, Lewis, Longstaff, Marcum, McCabe, McIntire, Metlen, Newton, O'Connor, Owens, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Wamsley, Warren, Watkins, Whipple, Mr. Speaker—50.

Noes—Carroll Cochran, Edwards, Gilna, McMahon, McNally, Morgan, Morton, O'Malley, Owsley, Whyte, Woods—12.

Absent—Caldwell, Leehey, Loeb, Mulville, Taylor, Whiteside—6.

Title amended to read. "A Bill for an Act to Extend the Boundaries of Lewis and Clarke County and Cascade County, to conform thereto."

McCabe moved to reconsider the vote by which House Bill No. 86 was passed.

Lindsay moved to lay the motion on the table.

Motion carried.

GENERAL ORDERS.

House resolved itself into Committee of the Whole for the consideration of General Orders.

Stork in the chair.

House resumed.

Mr. Speaker in the chair.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report and return the following House Bills Nos. 87, 56. 78, 77, 83, 17. 53. 70 and House Joint Memorial No. 4.

McINTIRE,
Chairman.

Mr. Speaker announced the signing of House Bills Nos. 87, 56, 78, 77, 83, 17, 53, 70, and House Joint Memorial No. 4.

The following reports were received:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds to whom was referred Senate Bill No. 104, A Bill for "An Act to amend Section 1656, Chapter V, Title III., Part III., of the Political Code of Montana, providing for the appointment of an Executive Board for the direction and control of the State Normal School, and defining the powers and duties thereof;

and also providing for the acceptance of bequests and donations," beg leave to report that they have had the same under consideration and recommend that it be concurred in.

LANGHORNE,
Chairman.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds to whom was referred Senate Bill No. 79, A Bill for "An Act to amend Sections 2443, 2444, 2447, 2448, 2449, 2452, and 2453 of Part III., Title V., Chapter IV., Article II., of the Political Code, and to add a new Section to said Part, Chapter and Article to be numbered 2455 and to repeal Section 2445 and 2454 of said Part, Title Chapter and Article all relating to the duties of the State Capitol Commission," beg leave to report that they have had the same under consideration and recommend that it be concurred in.

LANGHORNE,
Chairman.

Mr. Speaker:

Your Committee on Judiciary to whom was referred Senate Bill No. 94, "A Bill for an Act entitled an act amending Sections 320 and 321, Article IX., Chapter I., Title III., of the Code of Civil Procedure providing for the drawing of grand juries," introduced by Auld; Senate Bill No. 96, "A Bill for an Act to provide for the re-appraisement of fourth class public school lands within the State of Montana," introduced by Smead; Senate Bill No. 101, "A Bill for an Act to amend Section 401 of the Civil Code of the State of Montana, Part IV., of Division First of said Code, relating to corporations formed or existing before said Code took effect." introduced by Greene; having had the same under consideration, beg leave to report the same back to the House with the recommendation that they be placed on General Orders.

CAMPBELL,
Chairman.

Senate Bills Nos. 104, 79, 94, 96 and 101 were placed on General Orders.

The following reports were received:

Mr. Speaker:

We your Committee on Engrossment beg leave to report House Bill No. 206 back as properly engrossed.

C. F. STORK,
Chairman.

Mr. Speaker:

Your Appropriation Committee ask unanimous consent of the House that House Bill No. 289 which was recommended for indefinite postponement by this committee, be recalled and the same ordered printed. We state for our reasons in desiring that this bill be reconsidered that we have in the past two days received conclusive evidence that this claim should be allowed and that our first report should be reconsidered.

COCHRAN,
Chairman.

House Bill No. 298 was taken up and ordered printed.

The following report was received:

Mr. Speaker:

Your Appropriation Committee having had under consideration House Bill No. 298, introduced by Hepner report the same back to the House with the recommendation that it be printed.

COCHRAN,
Chairman.

House Bill No. 298 was ordered printed.

On motion of Longstaff the House took a recess until 8 P. M.

AFTERNOON SESSION.

8 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

House resolved itself into Committee of the Whole for the consideration of General Orders.

Owsley in the chair.

House resumed.

Mr. Speaker in the chair.

Owsley of the Committee of the Whole was granted time in which to report

On motion of Lindsay the House adjourned.

DAVID MARKS,
Chief Clerk.

FIFTY-FIFTY DAY.

House of Representatives,
Helena, Montana, February 28, 1897.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker pro tem in the chair.

Roll called, quorum present.

Prayer by the Chaplain.

Campbell was called to the chair.

Journal of Fifty-fourth day read and approved.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment finding we are unable to engross the bills now accumulating without more clerical assistance recommend that three more clerks be appointed and have agreed upon Miss Annie Kelly, Miss Mamie McEvily, Miss Grace Harris and ask that they be elected by the House as Engrossing Clerks.

C. F. STORK,
Chairman.

On motion of Penwell the report was adopted and the appointment of Miss Annie Kelly, Miss Mamie McEvily and Miss Grace Harris was ratified by the House.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration House Bill No. 269 and Senate Bill No. 64 report them back with the accompanying amendments and as amended recommend that House Bill No. 269 do pass and Senate Bill No. 64 be concurred in.

C. F. STORK,
Chairman.

On motion the report was adopted and House Bill No. 269 as amended was ordered engrossed. The amendments to Senate Bill No. 64 were ordered engrossed.

The following report was received:

Mr. Speaker:

The Committe of the Whole have had under consideration Senate Bill

No. 46, Senate Bill No. 88, Senate Bill No. 48, and Senate Bill No. 75, report the same back recommending that they be concurred in.

OWSLEY,
Chairman.

On motion of McCabe Senate Bill No. 46 was further amended as follows:

Amend by striking out in line 4 the words "two thousand" and insert in lieu thereof the words "twenty-five hundred," and adopted by the following vote:

Ayes—Bartlett, Buckley, Caldwell, Carroll, Clem, Dee, Elliott, Evans, Gilna, Hewett, Kelly, W. M., Leehey, Lindsay, Longstaff, McCabe, McIntire, McMahon, McNally, Morton, Mulville, Newton, O'Connor, Phillips, Sanford, Shifelbin, Shovlin, Stephens, Sullivan, Wamsley, Warren, Watkins, Whipple, Whyte—33.

Noes—Armitage, Brown, Bruffy, Butler, Campbell, Clark, Edwards, Greenfield, Hart, Hepner, Hill, Kelly, J. N., Kennedy, Metlen, Morgan, O'Malley, Owens, Owsley, Penwell, Perrine, Power, Stanton, Stork, Taylor, Whiteside, Woods—26.

Absent—Bourne, Cochran, Humber, Langhorne, Lewis, Loeb, Marcum,, Ramsey, Mr, Speaker—9.

The amendments to Senate Bill No. 46 were ordered engrossed.

On motion of Stephens Senate Bill No. 48 was amended by inserting $2,500.00 instead of $2,000.00 and the amendments were ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration Senate Bills Nos. 47, 45 and 12, beg leave to report same back with the accompanying amendments and as so amended recommend they do pass.

OWSLEY,
Chairman.

The amendments were adopted to Senate Bill Nos. 47 and 12 and the same were ordered engrossed.

On motion of McCabe the following amendments were adopted to Senate Bill No. 45.

Amend Section 470, line 3, by striking out the word "Senate" and insert "Board of Land Commissioners," and same were ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment beg to report the following bills properly engrossed. Nos. 206, 231, 280, 213, 188, 208, 217, 268, 266, 204.

STORK,
Chairman.

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 154, 285, 290, 275, 286, 283, 291, 304, 308, 309; 311; 228; 239; 316; 297; 298 and 289 beg leave to report back same properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 154, 285, 290, 275, 286, 283, 291, 304, 308, 309, 311, 228, 239, 316, 297, 298 and 289 were placed on the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to submit that inasmuch as a great rush of bills are now finding their way to the Enrollment department would ask the House to endorse the appointment of Mr. Bryce as assistant Clerk and Miss Shoemaker and Mr. Paris as folio writers.

McINTIRE,
Chairman.

On motion of Penwell the report was adopted and the appointment of Mr. Bryce as assistant clerk and Miss Shoemaker and Mr. Paris as folio writers was ratified by the House.

The following report was received:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 315, "A Bill for an Act to amend Section 4643 of the Political Code, relating to constable's fees,' introduced by O'Malley, having had the same under consideration, beg leave to report the same back to the House with the recommendation that it be indefinitely postponed, for the reason that the bill is introduced too late to be considered by the House and become a law.

CAMPBELL,
Vice-Chairman.

On motion of Clem House Bill No. 315 was indefinitely postponed.

The following report was received:

Mr. Speaker:

Your Committee on Townships and Counties to whom was referred Senate Bill No. 49, "A Bill for an act to make a portion of the Crow Indian Reservation in the State of Montana a part of Yellowstone County and to alter the boundary lines of the counties of Yellowstone and Custer to conform thereto," respectfully refer the Bill back to the House and recommend that we do concur in the same.

C. A. WHIPPLE,
Chairman.

Senate Bill No. 49 was placed upon the General Orders.

The following reports were received:

Mr. Speaker:

The House Steering Committee, in advisory session with the Senate Committee, have instructed me to report the following appropriation bills for consideration immediately following Senate Bill No. 77:

Senate Bill No. 61, introduced by Hannah.

Substitute for House Bill No. 185, introduced by Ways and Means Committee.

By Appropriation Committee, House Bill No. 95, 97, 98, 103, 173.

House Bills Nos. 174, 175, 176, 192, 197, 228, 239, 240, 241, 242, 250.

House Bill No. 289, by Whipple.

House Bill No. 293, by Appropriation Committee.

House Bills Nos. 294, 295.

House Bill No. 299, by Longstaff.

House Bill No. 304, by Ways and Means Committee.

House Bill No. 307, by Appropriations Committee.

House Bills Nos. 308, 309, 310, 311, 312.

House Joint Resolution No. 3.

RAMSEY,
Chairman.

Mr. Speaker:

The Steering Committee of the House having met with the advisory committee of the Senate, for the purpose of discussing a plan of action have instructed me to report for the consideration the following bills after House Joint Resolution No. 3.

House Bill No. 226, by Whiteide.

Senate Bill No. 7, by Ramsdell.

House Bill No. 210, by Whiteside.

Senate Bill No. 73, by Hoffman.

House Bill No. 116, by Whiteside.

Senate Bill No. 95, my Public Lands Committee.

House Bill No. 273, by Public Lands Committee.

Senate Bill No. 17, by Hoffman.

Senate Bill No. 44, by Watt.

Senate Bill No. 56, by Judiciary Committee.

Senate Bill No. 81, by Education Committee.

Senate Bill No. 104, by Judiciary Committee.

Senate Bill No. 96, by Smead.

Senate Bill No. 69, by Greene,

Senate Bill No. 72, by Riddell.

Senate Bill No. 74, by Riddell.

Senate Bill No. 79, by Riddell.

House Bill No. 298, by Hepner.

RAMSEY,
Chairman.

Mr. Speaker:

The Steering Committee makes a suplimentary report: House Bill No. 311 following House Joint Resolution No. 3. Being a tax levy for 1897 and 1898.

RAMSEY,
Chairman

On motion of Longstaff the reports were adopted.

Mr. Speaker:

Your Committee on Agriculture and Stock Growing, to whom was referred Senate Bill No. 100, having had the same under consideration, have directed me to report same back to you with a recommendation that it do pass.

BROWN,
Chairman.

Mr. Speaker:

Your Committee on Agriculture and Stock Growing to whom was referred Senate Bill No. 92, having had same under consideration, have directed me to report same back to you, with a recommendation that it do pass.

BROWN,
Chairman.

Mr. Speaker:

Your Committee on Agriculture and Stock Growing to whom was referred Senate Bill No. 91, having had under consideration, have instructed me to report same back with a recommendation that it do pass.

BROWN,
Chairman.

Senate Bills Nos. 100, 92 and 91 were placed upon the General Orders.

RESOLUTIONS.

Clem introduced the following resolution.

Mr. Speaker:

I move the adoption of the following:

Whereas, The Session of the 5th Legislative Assembly is nearing its limit, and

Whereas, The lands which have been appropriated for different State Institutions by the U. S. are not in jeopardy by remaining as they are, therefore be it

Resolved, That further consideration of measures for placing bonds upon the same, or any portion thereof is not called for by this House.

CLEM.

On motion of Hepner the resolution was laid on the table by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Cochran, Edwards, Evans, Greenfield, Hart, Hepner, Hewett, Hill, Kelly, J. N., Leehey, Lindsay, Lewis, Longstaff, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, Owens, Owsley, Penwell, Phillips, Power Ramsey, Shovlin, Stanton, Stephens, Sullivan, Taylor, Wamsley, Warren, Whipple, Woods—44.

Noes—Carroll, Clem, Gilna, Kennedy, Perrine, Sanford, Shifelbin, Watkins, Whyte—9.

Absen—Bourne, Clark, Dee, Elliott, Humber, Kelly, W. M., Langhorne, Loeb, Marcum, McCabe, McIntire, O'Malley, Stork, Whiteside, Mr. Speaker—15

The following report was received:

Mr. Speaker:

Your Conference Committee to whom was referred House Bill No. 227 and Senate Bill No. 29, beg leave to report that they have met with a like Committee from the Senate and have agreed that Senate Bill No. 29 be now concurred in and that House Bill 227 with the accompanying amendments be substitute in lieu thereof, and report the same back to the House with the recommendation that it be immediately printed and placed on General Orders.

CLARK,
Chairman.

Senate Bill No. 29 was placed on General Orders and House Bill 229 was ordered printed.

On motion of Watkins the House took a recess until 1:30 P. M.

AFTERNOON SESSION.

1:30 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

House Bill 317 was read first and second time and referred to Judiciary Committee.

House Bill No. 318 was read first and second time and referred to Judiciary Committee.

House Bill No. 319 was read first and second time and objected to by Clem the objection was sustained by the House.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report and return House Bill No. 75 correctly enrolled.

McINTIRE,
Chairman.

Mr. Speaker announced the signing of House Bill No. 75.

House Bill No. 320 was read first and second time and referred to Committee on Affairs of Cities.

House Bill No. 321 was read first and second time and referred to Committee on Agriculture and Stock Raising.

By unanimous consent House Bill No. 322 a bill for an act appropriating money for the Trans-Mississippi Exposition at Omaha in the year 1898 was introduced by the Committee on Appropriations.

Read first and second time and objected to by Owens.

The question being put 'shall this bill be rejected," the bill was not rejected by the following vote:

Ayes—Brown, Bruffy, Carroll, Hart, Humber, Kelly, J. N., Kennedy, Marcum, Morton, Mulville, Owens, Whyte—12.

Noes—Armitage, Bartlett, Bourne, Buckley, Butler, Caldwell, Campbell, Clark, Clem, Cochran, Dee, Elliott, Evans, Gilna, Greenfield, Hill, Kelly, W. M., Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Newton, O'Connor, O'Malley, Owsley, Penwell, Perrine, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Wamsley, Warren, Watkins, Whipple, Whiteside, Woods—51,

Absent—Edwards, Hewett, Phillips, Taylor, Mr. Speaker—5.

House Bill No. 322 was read second time and ordered printed.

By unanimous consent House Bill No. 323 a Bill for an act appropriating money for printing ordered by the Fifth Legislative Assembly was introduced by the Committee on Appropriation was read first and second time and ordered printed.

MESSAGE FROM THE SENATE.

The following communications were received:

Senate Chamber,
Helena, Montana, February 26, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, That: the Senate has passed Senate Joint Resolution No. 5, which is herewith transmitted for your concurrence.

Yours respectfully,
JOHN BLOOR,
Secretary.

Senate Chamber,
Helena, Montana, February 26th ,1897.

Mr. Speaker:

I am directed by the Senate has concurred in the House amendments to Senate Bill No. 1. The Senate has passed Substitute for Senate Bill No. 81, which is herewith transmitted for your concurrence.

Very Respectfully,
JOHN BLOOR,
Secretary.

On motion of Ramsey Senate Joint Resolution No. 5 was concurred in by the House. Substitute for Senate Bill No. 81 was read first and second time and placed on the General Orders.

REPORTS OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report and return House Bill No. 1, correctly enrolled.

McINTIRE,
Chairman.

Mr. Speaker pro tem announced the signing of House Bill No. 1.

House Bill No. 260 was read a third time and on motion of Stanton the Bill was recommended to the Committee of the Whole.

The House resolved itself into Committee of the Whole for the consideration of House Bill No. 206.

Clark in the chair.

House resumed.

Mr. Campbell in the chair.

THIRD READING OF BILLS.

House Bill No. 204 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Cochran, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N. Kelly, W. M., Kennedy. Langhorne, Leehey, Lindsay, Lewis, Longstaff, Marcum, McCabe, McMahon, McNally, Metlen, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Taylor, Wamsley, Warren, Whyte, Whiteside, Woods—57.

Noes—Dee—1.

Absent—Clem Edwards, Loeb, McIntire, Morgan, Stork, Sullivan. Watkins, Whipple, Mr. Speaker—10.

House Bill No. 266 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Elliott, Gilna, Greenfield, Hart, Hewett Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne Leehey, Marcum, McIntire, McNally, Metlen, Morgan, Mulville, Newton, O'Connor, O'Malley, Owsley, Perrine, Power, Ramsey, Sanford, Shovlin, Stephens, Stork, Sullivan, Wamsley, Warren, Watkins, Whiteside, Woods—46.

Noes—Bourne, Buckley, Evans, Hepner, Lindsay, Longstaff, McMahon, Morton, Owens, Phillips, Shifelbin, Taylor, Whyte—13.

Absent—Clem, Edwards, Lewis Loeb, McCabe, Penwell, Stanton, Whipple Mr. Speaker—9.

The following reports were received:

Mr. Speaker:

Your Committee of the Whole having had under consideration House Bill

No. 206 and report it back with the accompanying amendments and as amended recommend that it be engrossed and placed on its final passage.

CLARK,
Chairman.

House Bill No. 206 was ordered engrossed.

House Bill No. 268 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Cochran, Dee, Elliott, Evans, Gilna, Greenfield,, Hart, Hepner, Hill, Humber, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Shifelbin, Shovlin, Stephens, Stork, Sullivan, Taylor, Wamsley, Warren, Whiteside, Woods—53.

Noes—Bourne, Buckley, Clem—3.

Absent—Clark, Edwards, Hewett, Kelly, W. M., Loeb, McCabe, Sanford, Stanton, Watkins, Whipple, Whyte, Mr. Speaker—12.

Title amended to read as follows:

"A Bill for an Act to prohibit insurance corporations to do business in the State of Montana from placing or causing to be placed, except through duly licensed agents in this State, insurance on property in this State and providing penalties for violations thereof."

House Bill No. 217 was read a third time and lost by the following vote:

Ayes—Bourne, Brown, Bruffy, Caldwell, Campbell, Cochran, Dee, Greenfield, Hart, Hill, Langhorne, Leehey, McIntire, Metlen, Morgan, Perrine, Phillips, Ramsey, Stanton, Wamsley, Warren, Woods—22.

Noes—Armitage, Bartlett, Buckley, Butler, Carroll, Clark, Clem, Evans, Gilna, Hepner, Humber, Kelly, J. N., Kennedy, Lindsay, Longstaff. Marcum, McMahon, McNally, Morton, Mulville, Owens, Penwell, Power, Sanford, Shifelbin, Stephens, Whipple, Whyte, Whiteside—29.

Absent—Edwards, Elliott, Hewett, Kelly, W. M., Lewis, Loeb, McCabe, Newton, O'Connor, O'Malley, Owsley, Shovlin, Stork, Sullivan, Taylor, Watkins, Mr. Speaker—17,

House Bill No. 188 was read a third time and passed by the following vote:

Ayes—Armitage. Bartlett, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Clark, Clem, Dee, Elliott, Evans, Gilna Greenfield, Hepner, Hill, Kelly, J. N., Kelly, W. M., Kennedy Langhorne, Leehey, Lindsay, Lewis, Longstaff, Marcum, McIntire, McMahon, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Penwell, Perrine, Power, Sanford, Shifelbin, Stanton, Stephens. Sullivan, Taylor, Wamsley, Warren, Watkins, Whipple, Whiteside, Woods—50.

Noes—Cochran, Metlen, Ramsey—3.

Absent—Buckley Carroll, Edwards, Hart, Hewett, Humber, Loeb, McCabe, McNally. O'Connor, Phillips, Shovlin, Stork, Whyte, Mr. Speaker—15.

Title amended .

House Bill No. 213 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Caldwell, Campbell, Carroll, Cochran, Dee, Elliott, Evans, Gilna, Greenfield, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Lindsay, Lewis, Longstaff, Marcum, McIntire, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Penwell, Phillips, Power, Ramsey, Sanford, Stephens, Stork, Sullivan, Taylor, Wamsley, Whipple, Whyte, Whiteside Woods—48.

Noes—Clem—1.

Absent—Butler, Clark, Edwards, Hart, Hewett, Hill, Leehey, Loeb, McCabe, McMahon, O'Connor, Owsley, Perrine, Shifelbin, Shovlin, Stanton, Warren, Watkins, Mr. Speaker—19.

Title agreed to.

House Bill No. 280 was read a third time and passed by the following vote:

Ayes, Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Longstaff, Marcum, McIntire, McNally, Metlen, Morgan, Mulville, Newton, Owens, Owsley, Penwell, Phillips, Power, Ramsey, Sanford, Shifelbin, Stephens, Stork, Sullivan, Taylor, Wamsley, Whyte, Whiteside, Woods—52.

Noes—McMahon, Morton, O'Malley—3.

Absent—Edwards, Hewett, Hill, Loeb, McCabe, O'Connor, Perrine, Shovlin, Stanton, Warren, Watkins, Whipple, Mr. Speaker—13.

Title agreed to.

House Bill No. 231 was read a third time and passed by the following vote.

Ayes—Bartlett, Bourne, Bruffy, Caldwell, Campbell, Carroll, Cochran, Greenfield, Hart, Hepner, Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, McCabe, McIntire, McMahon, Metlen, Morgan, Newton. O'Malley, Owens, Owsley, Phillips, Power, Ramsey, Shovlin, Wamsley, Whyte, Whiteside, Woods—33.

Noes—Armitage, Buckley, Clark, Clem, Dee, Elliott, Evans, Gilna, Humber, Kelly, J. N., McNally, Morton, Mulville, Sanford, Shifelbin, Stanton, Stephens, Stork, Taylor—19.-

Absent—Brown, Butler, Edwards, Hewett, Hill, Kelly, W. M., Lewis, Loeb, O'Connor, Penwell, Perrine, Sullivan, Warren, Watkins Whipple Mr. Speaker —16.

Title agreed to.

House Bill No. 208 was read a third time and passed by the following vote:

Ayes, Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Kelly, J. N., Kelly, W. M., Kennedy, Leehey, Lindsay Longstaff, Marcum, McCabe, McIntire, McMahon; McNally, Metlen, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Watkins, Whyte, Whiteside, Woods—55.

Noes—None.

Absent—Edwards, Hewett, Hill, Humber, Langhorne, Lewis, Loeb, Morgan, O'Connor, Wamsley, Warren, Whipple, Mr. Speaker—13.

Title agreed to.

House Bill No. 67 was read a third time and passed by the following vote:

Ayes, Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Cochran, Dee, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Kelly, J. N., Kennedy, Leehey, Lindsay, Marcum, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Watkins, Whyte, Whiteside, Woods, McCabe, McIntire, McMahon, McNally, Metlen, Mulville, Newton, O'Malley, Owsley, Penwell, Perrine, Phillips—48.

Noes—Clem, Longstaff, Owens, Power—4.

Absent—Clark, Edwards, Hewett, Hill, Humber, Kelly, W. M., Langhorne, Lewis, Loeb, Morgan, Morton, O'Connor, Wamsley, Warren, Whipple, Mr. Speaker—16.

Title agreed to.

The following communication was received:

Senate Chamber,
Helena, Montana, February 27, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that Senate Joint Memorial No .3, has passed the Senate and is herewith transmitted for your immediate concurrence.

Yours Respectfully,
JOHN BLOOR,
Secretary.

Senate Joint Memorial No. 3 was adopted by the House.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment make report, that House Bills as follows have been returned properly engrossed, 162, 195, 67, 189, 183, 203,

STORK,
Chairman.

THIRD READING OF BILLS.

House Bill No. 189 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clem, Cochran, Dee, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Kelly, J. N., Kennedy, Leehey, Lindsay, Lewis, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Warren, Watkins, Whyte, Whiteside, Woods—57.

Noes—None.

Absent—Buckley, Clark, Edwards, Hewett, Hill, Humber, Kelly, W. M., Langhorne, Loeb, Whipple, Mr. Speaker—11.

Title agreed to.

House Bill No. 195 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Caldwell, Campbell, Clem, Cochran, Dee, Elliott, Evans, Greenfield, Hart, Kennedy, Leehey, Longstaff, McCabe, McIntire, McMahon, Metlen, Morgan, Morton, O'Connor, O'Malley, Owsley, Phillips, Shifeblin, Shovlin, Stanton, Wamsley, Warren, Watkins, Whyte, Whiteside, Woods—36.

Noes—Butler, Carroll, Gilna, Hepner, Humber, Kelly, J. N., Langhorne, Lindsay, Lewis, Marcum, McNally, Mulville, Newton, Owens, Penwell, Power, Sanford, Stephens, Stork, Sullivan, Taylor—21.

Absent—Buckley, Clark, Edwards, Hewett, Hill, Kelly, W. M., Loeb, Perrine, Ramsey, Whipple, Mr. Speaker—11.

Title agreed to.

House Bill No. 183 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Kelly, J. N., Kennedy, Langhorne, Lindsay, Lewis, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Shifelbin, Shovlin, Stanton, Stephens, Taylor, Wamsley, Watkins, Whiteside, Woods—49.

Noes—Clem, Humber—2.

Absent—Armitage, Buckley, Edwards, Hewett, Hill, Kelly, W. M., Leehey, Loeb, McCabe, Ramsey, Sanford, Stork, Sullivan, Warren Whipple, Whyte, Mr. Speaker—17.

Title agreed to.

Substitute for House Bill No. 162 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Campbell, Carroll, Dee, Elliott, Evans, Greenfield, Hart, Kennedy, Langhorne, Lewis McIntire, McNally, Metlen, Mulville, Newton, O'Connor, O'Malley, Penwell, Perrine, Phillips, Shovlin, Stanton, Stork, Taylor, Wamsley, Warren, Whyte, Whiteside, Woods—36.

Noes—Caldwell, Clark, Clem, Gilna, Kelly, J. N., Lindsay, Longstaff, McMahon, Morgan, Morton, Owens, Owsley, Power, Shifelbin, Sullivan—15.

Title amended to read as follows:

'A Bill for an Act entitled an Act to amend Section 4063, 4064, 4065, 4068, 4075, 4079 and 4083 of Article II, Chapter XIII, Title X, Part III, of the Political Code, and to add to said Article II, Chapter XIII, Title X, Part III, of the Political Code additional sections to be numbered 4084 and 4085; all relating to the classification of licenses; and to repeal Sections 4084 and 4070 of said Political Code."

Stanton moved to recommit House Bill No. 203 to Committee of Whole.

Motion carried.

House resolved itself into Committee of the Whole for the consideration of House Bill No. 203.

Clark in the chair.

House resumed.

Mr. Speaker pro tem in the chair.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration House Bill No. 203 report the same back with the recommendation that it do pass as amended.

CLARK,
Chairman.

The report was adopted and House Bill No. 203 was ordered engrossed.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Affairs of Cities, having had under consideration House Bill No. 320 introduced by Elliott being a Bill for an act to amend Section 4753 of the Political Code of the State of Montana, relating to the qualifications of aldermen, beg to recommend that the same do pass.

HEPNER,
Chairman.

House Bill No. 320 was ordered printed.

The following report was received:

Mr. Speaker:

Your Committee on Irrigation and Water Rights having had under consideration Senate Bill No. 95 relating to Arid Lands, return same herewith with the recommendation that it be placed on General Orders.

ARMITAGE,
Chairman.

Senate Bill No. 95 was ordered placed on General Orders accompanying House Bill No. 273.

On motoin of Cochran the House took a recess until 7:30 P. M.

EVENING SESSION.

7:30 P. M.

House resumed.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Longstaff moved that the vote by which House Bill No. 40 was lost be reconsidered.

On motion of Leehey the matter was made a special order for 3 P. M. on Monday next.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 203 and 206 as correctly engrossed and return same herewith.

C. F. STORK,
Chairman.

House Bill No. 206 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Cochran, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Humber, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Longstaff, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Ramsey, Sanford, Shifelbin, Stanton, Stephens, Stork, Sullivan, Taylor, Watkins, Whiteside, Woods—51.

Noes—Power—1.

Absent—Bourne, Clark, Clem, Dee, Edwards, Hill, Kelly, W. M., Loeb, Marcum ,Penwell, Shovlin, Wamsley, Warren Whipple, Whyte, Mr. Speaker —16.

Title agreed to.

House Bill No. 203 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Buckley, Caldwell, Campbell, Carroll, Cochran, Dee, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hill, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Perrine, Phillips, Sanford, Shifelbin, Stanton, Stephens, Stork, Sullivan, Taylor, Wamsley, Watkins, Whiteside, Woods—50.

Noes—Power—1.

Absent—Bourne, Butler, Clark, Clem, Edwards, Hewett, Humber, Kelly, W. M., Loeb, O'Connor, Penwell, Ramsey, Shovlin, Warren, Whipple, Whyte, Mr. Speaker—17.

Amend title of bill by adding thereto, after the word "cities" the following: 'and to enable cities and towns to acquire by purchase, construction, or condemnation proceedings, water plants, water supplies, franchises, public buildings and sewers.

Campbell, Speaker pro tem announced: McCabe, Greenfield, and Elliott as a Committee on the part of the House in accordance with House Joint Resolution No. 5.

GENERAL ORDERS.

The House resolved itself into Committee of the Whole for the consideration of General Orders.

Whiteside in the chair.

House resumed.

Mr. Speaker pro tem in the chair.

By unanimous consent the Committee on Appropriations introduced House Bill No. 324, A Bill for an Act appropriating money for the payment of the claim of White Caldwell, account expenses incurred in transportation of prisoners to the Penitentiary in the year 1896.

On motion of Stork the House added Stanton and Butler to the Committee appointed under Senate Joint Resolution No. 5 and the Clerk was directed to inform the Senate of the fact and to add an additional member from the Senate.

On motion of Whiteside the House took a recess until 9:45 Monday March 1st.

DAVID MARKS,
Chief Clerk.

FIFTY-SEVENTH DAY.

House of Representatives,
Helena, Montana, March 1, 1897.

House resumed.

Mr. Speaker pro tem in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Fifty-sixth day read and approved.

GENERAL ORDERS.

The House resolved itself into Committee of the Whole for the consideration of General Orders.

Whiteside in the chair.

House resumed.

Mr. Speaker pro tem in the chair.

Whiteside asked for further time in which to report. Request granted.

On motion of Hewett the House took a recess until 1:30 P. M.

AFTERNOON SESSION.

1:30 P. M.

House resumed.

Roll called—Quorum present.

Mr. Speaker pro tem in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report that we have delivered to his Excellency, the Governor, for his approval at the hour of 10:00 A. M. the following House Bills: Numbers 87, 78, 70, 17, 53, 83, 77, 56, 75, 50, 61, 121; 1 and House Joint Memorial No. 4.

McINTIRE,
Chairman.

The House resolved itself into Committee of the Whole for the further consideration of General Orders.

Campbell in the chair.

House resumed.

Mr. Speaker pro tem in the chair.

SPECIAL ORDERS.

The hour of 3 P. M. having arrived for which the consideration of House Bill No. 40 was made a special order, the motion to reconsider prevailed.

Shovlin moved to indefinitely postpone the further consideration of House Bill No. 40.

Motion lost by the following vote:

Ayes—Armitage Bruffy, Buckley, Butler, Caldwell, Campbell, Clark, Greenfield, Hart, Hewett, Humber, Kelly, J. N., Kelly, W. M., Loeb, Marcum, McCabe, McMahon, McNally, Owens, Owsley, Penwell, Sanford, Shifelbin, Shovlin, Stanton, Stork, Sullivan, Whipple, Whyte Woods—30.

Noes—Bartlett, Bourne, Brown, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Hepner, Hill, Langhorne, Lindsay, Lewis, Longstaff, McIntire, Metlen, Morgan, Morton, Newton, O'Malley, Perrine, Phillips, Power, Stephens, Taylor, Warren, Watkins, Whiteside—31.

Absent—O'Connor, Wamsley, Mr. Speaker—3.

Paired—Leehy, Ramsey, Kennedy, Mulville—4.

House Bill No. 40, having been again placed upon its final passage was lost by the following vote:

Ayes—Bartlett, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Hill, Longstaff, Metlen, Morgan, Morton, O'Malley, Perrine, Power, Stephens, Warren, Watkins, Whiteside—19.

Noes—Armitage, Bourne, Brown, Bruffy. Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Greenfield, Hart, Hepner, Hewett, Humber, Kelly, J. N., Kelly, W. M., Langhorne, Lindsay, Lewis, Loeb, Marcum, McCabe, McIntire, McMahon, McNally, Newton, O'Connor, Owens, Penwell, Shifelbin, Stanton, Stork, Sullivan, Taylor, Whipple, Whyte Woods—41.

Absent—Owsley, Sanford, Wamsley, Mr. Speaker—4.

Paired—Kennedy, Leehy, Mulville, Ramsey—4.

The following report was received:

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 95, beg leave to report the same with the recommendation that it be indefinitely postponed.

WHITESIDE,
Chairman.

On motion of Hepner the report was amended by recommending that it do pass.

House Bill No. 95 was ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration House Bills Nos. 97, 98, and 103, beg leave to report the same back with the recommendation that they do pass.

WHITESIDE,
Chairman.

House Bills Nos. 97, 98, 103 were ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration Senate Bills No. 76 and 77, beg leave to report the same back with the accompanying amend ments, with the recommendation that the same do pass as amended.

WHITESIDE,
Chairman.

On motion the report was adopted and the amendments to Senate Bills Nos. 76 and 77 were ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration Substitute for Senate Bill No. 61, beg leave to report the same back with the recommendation that it be not concurred in .

WHITESIDE,
Chairman.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration Substitute for Senate Bill No. 11, beg leave to report the same back with the recommendation that it do pass.

WHITESIDE,
Chairman.

On motion of Longstaff Senate Bill No. 11 was amended as follows.

Section 723. The commissioner of said bureau shall receive an annual salary of twenty-five hundred dollars and the chief clerk an annual salary of fifteen hundred dollars.

REPORTS OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment report House Bills Engrossed as follows: Nos. 160, 270, and 57.

STORK,
Chairman.

Mr. Speaker:

Your Committee on Engrossment report Senate Bills Nos. 45, 46, 12, 42, 48 and 64 with amendments back as properly engrossed.

C. F. STORK,
Chairman.

MESSAGE FROM THE GOVERNOR.

The following communication was received:

Executive Office, Montana,
Helena, Montana, March 1, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have this day approved and signed House Bill No. 1, being an Act entitled: "An Act to create a Board of Textbook Commissioners for the purpose of establishing a uniform series of textbooks, for the public schools of Montana and to regulate the supply of the same, defining the duties and powers of said Board, and to appropriate for their expenses a sum of money therein named:" Also

House Bill No. 75, being an Act entitled: "An Act to extend and define the boundaries of Cascade County, and to alter the boundaries of Meagher County to conform thereto;' Also

House Bill No. 50, being an Act entitled: "An Act amending section 442 of the Political Code of the State of Montana, relating to State Treasurer;" Also

House Bill No. 121, being an Act entitled: "An Act to amend section 3076 of the Political Code of the State of Montana, relating to special tax levy for bounty for killing wild animals;" Also

House Bill No. 61, being an Act entitled: "An Act to empower the Governor to accept for the State the conditions imposed by an Act of Congress entitled "An Act to provide aid to State or Territorial Homes for the support of disabled Soldiers and Sailors in the United States" approved August 27th, 1888, and to empower the State Auditor to receive any moneys that may become due the State under said Act to Congress;" Also

House Bill No. 77, being an Act entitled: "An Act to amend Section 705, of Title X, of the Penal Code of the State of Montana to have the cages in all mines cased in;" Also

House Bill No. 56, being an Act entitled: "An Act providing for the submission to the qualified electors of the State of Montana of an Amendment to Section 4, Article XVI, of the Constitution, relating to County Commissioners."

Very respectfully,
ROBT. B. SMITH,
Governor.

On motion of Armitage the House took a recess until 7:30 P. M.

EVENING SESSION.

7:30 P. M.

House resumed.

Mr. Speaker in the chair.

House Bill No. 224 was read first and second time and referred to Committee on Printing.

GENERAL ORDERS.

House resolved itself into Committee of the Whole for consideration of General Orders.

Stephens in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration the following Bills and recommend that they do pass: House Bill No. 173, 174, 175, 176, 197, 240, 241, 242, 250, 289, 293, 294, House Joint Memorial No. 3, House Bill Nos. 310, 309, 299, 304 and 307.

CAMPBELL,
Chairman.

House Bills Nos. 173, 174, 175, 176, 197, 240, 241, 242, 250, 289, 293, 294, House Joint Memorial No. 3, House Bills Nos. 310, 309, 299, 304 and 307 were ordered engrossed.

MESSAGES FROM THE SENATE.

The following communications were received:

Senate Chamber,
Helena, Montana, March 1st, 1897.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate has passed the following bills: Senate Bills Nos. 67, 106, 113, 108, and 110. Said bills are herewith transmitted for your concurrence.

Senate Bill No. 115 was read third time and lost.

Senate Bills Nos. 98 and Senate Bill No. 33 were indefinitely postponed.

Mr. President appointed as members of the Investigating Committee, Senators Chandler, Ramsdell, Eggleston.

The Senate has concurred in House Bill No. 128 which is herewith returned.

The following bills were introduced:

By Judiciary Committee:

Senate Bill No. 117, A Bill for an act to amend Section 686 Title 10 of the Penal Code of the State of Montana.

By Committee on Apportionment and Representation:

Senate Bill No. 118, A Bill for an act entitled an act to provide for the representation of Meagher County and Jefferson County in accordance with Article 6, Section 2 of the Constitution.

JOHN BLOOR,
Secretary.

Senate Chamber,
Helena, Montana, February 27th, 1897.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate refuses to recede from its action on Senate Substitute for House Bill No. 74 and has appointed as members of a conference committee, Senators Eggleston, Ramsdell and Sligh.

House Bills Nos. 19 and 23 were indefinitely postponed and are herewith transmitted.

House Bills Nos. 52 and 166 were read a third time and concurred in and are herewith transmitted.

Senate Bills Nos. 97, 105, 112, 57, 107 and 58 have passed the Senate and are herewith transmitted for your concurrence.

The following bills were introduced:

By Cooper:

Senate Bill No. 114, A Bill for an act to create a State Inspector of fruit pests.

By Committee on Fish and Game:

Senate Bill No. 115, A Bill for an act to amend Section 3100, Part 3, Title 7, Chapter 5, Article 10, of the Political Code of the State of Montana.

By Committee on Judiciary:

Senate Bill No. 116, A Bill for an act entitled an act to amend Article 9, Section 1059 of the Political Code, relating to the bonds of officers.

Very Respectfully,
JOHN BLOOR,
Secretary.

House Bills Nos. 128, 52, 166 were ordered enrolled.

Mr. Speaker appointed Messrs. Buckley, O'Connor and W. M. Kelly as a conference Committee on the part of the House on Senate Substitute for House Bill No. 74.

REFERENCE OF BILLS.

The following Senate Bills were read first and second time and referred to committees as noted.

Recommended by Judiciary Committee, Substitute for Senate Bill No. 67: Bill for an act to amend Section 592 of Civil Procedure, relating to property held in joint tenancy, or tenancy in common, and providing an action of trespass or trover, from injury thereto.

Referred to Mines and Mining Committee.

By Chandler:

Senate Bill No. 58, Bill for an act to amend Chapter 9, Title 2, Part 3 of the Political Code, relating to ballots and voting.

Referred to Privileges and Elections Committee.

By Riddell:

Senate Bill No. 106, Bill for an act prescribing the duties of railroad companies in certain cases.

Referred to Railroads and Transportation Committee.

By Judiciary Committee:

Senate Bill No. 113, Bill for an act to amend sub-division 3 and sub-division 12 of Section 410 of the Political Code, relating to fees of secretary of state.

Referred to Judiciary Committee.

By Apportionment and Representation Committee:

Senate Bill No. 110, Bill for an Act to provide for the representation of Broadwater County in the Legislative Assembly of Montana, until an apportionment of representation be made in accordance with the provisions of Article 6, Section 2, of the constitution.

Referred to Apportionment and Representation Committee.

Recommended by Judiciary Committee:

Substitute for Senate Bill No. 107, Bill for an Act to amend Section 890, Chapter 4, Title 7, of the Code of Civil Procedure, relating to attachment.

Referred to Judiciary Committee.

By Chandler:

Senate Bill No. 57, Bill for an act to amend Chapter 3, Title 2, of Part 3, of the Political Code by repealing Sections 1224 to 1233, inclusive, by adding sections 1201 to 1208, inclusive, by adding Sections 1210 to 1216 inclusive, and by amending 1209 and 1234, relating to registration of voters.

Referred to Privileges and Elections Committee.

By Committee on Mines and Mining:

Senate Bill No. 112, Bill for an act to repeal Section 494, Chapter 2, Title 2, Part 2, of the Code of Civil Procedure, relating to adverse possession.

Referred to Mines and Mining Committee.

By Flowerree:

Substitute for Senate Bill No. 108, Bill for an act to prevent the giving or selling of intoxicating liquors to Indians, half breeds or mixed bloods, and fixing a penalty for Indians being off the reservation.

Referred to Insurance Committee.

By Ramsdell:

Senate Bill No. 97, Bill for an act to amend Section 2528, Part 3, Title 5, Chapter 4, Article 4, of the Political Code of the State of Montana, relating to the government of Soldier's Home.

Referred to State Institutions and Public Buildings.

By Hannah:

Senate Bill No. 105, Bill for an act to amend Sections 4596 and 4597, Part 4, Title 2, Chapter 4, of the Political Code, relating to the number and salaries of deputies of county officers, and to provide for reductions on the same.

Referred to Ways and Means.

THIRD READING OF BILLS.

House Bill No. 160 was read third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Buckley, Caldwell, Campbell, Clark, Cochran, Dee, Hepner, Hill, Kelly, W. M., Kennedy, Langhorne, Lindsay, Lewis, Loeb, Longstaff, Marcum, McCabe, McIntire, McNally, Metlen, Morgan, Newton, O'Connor, O'Malley, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shovlin, Stephens, Stork, Sullivan, Taylor, Wamsley Warren, Watkins, Whipple, Woods, Mr. Speaker—46.

Noes—Bruffy, Carroll, Clem, Edwards, Evans, Gilna, Hewett, Kelly, J. N., McMahon, Morton, Mulville, Owens, Shifelbin—13.

Absent—Butler Elliott, Greenfield, Hart, Humber, Leehey, Stanton, Whyte Whiteside—9.

Title agreed to.

House Bill No. 270 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Evans, Hepner, Hill, Kelly, J. N., Kennedy, Langhorne, Lindsay, Loeb, Marcum, Metlen, Morgan, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Ramsey, Shifelbin, Shovlin, Stork, Warren, Watkins, Woods—39.

Noes—Buckley, Hewett, Kelly, W. M., Longstaff, McMahon, McNally, Morton, Power, Sanford, Stephens, Sullivan, Taylor, Wamsley, Whipple, Mr. Speaker—15.

Absent—Butler, Elliott, Gilna, Greenfield, Hart, Humber, Leehey, Lewis, McCabe, McIntire, Penwell, Stanton, Whyte, Whiteside—14.

Title agreed to.

House Bill No. 57 was read a third time and passed by the following vote:

Ayes—Bartlett Bourne, Brown, Bruffy, Campbell, Carroll, Clark, Clem, Cochran, Edwards, Gilna, Hepner, Hewett, Kelly, J. N., Kelly, W. M., Kennedy, Lindsay, Loeb, Longstaff, Marcum, McIntire, Metlen, Morton, Mulville, Newton, O'Connor, O'Malley, Owsley, Penwell, Perrine, Phillips, Ramsey, Sanford, Shovlin, Stephens, Stork, Taylor, Wamsley, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—45.

Noes—Buckley, Caldwell, Dee, Evans, McMahon, McNally, Morgan, Owens, Power, Sullivan—10.

Absent—Armitage, Butler, Elliott, Greenfield, Hart, Hill, Humber, Langhorne, Leehey, Lewis, McCabe, Shifelbin, Stanton—13,

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GENERAL ORDERS.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Watkins in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Buckley the House took a recess until 9:45 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

FIFTY-EIGHTH DAY.

House of Representatives,
Helena, Montana, March 2, 1897.

House met pursuant to adjournment at 9:45 A. M.

Mr. Speaker in the chair.

Prayer by the Chaplain.

Journal of Fifty-seventh day read and approved:

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration House Bills Nos. 308, 239, 295, and 311 report them back with the accompanying amendments, and as amended recommend that they do pass.

CAMPBELL,
Chairman.

Elliott moved the following amendment to House Bill No. 295.

In House Bill No. 295, strike out all of line 50 and insert the following: "For salary of commissioner of agriculture, labor and industry, two thousand four hundred dollars."

Strike out all of lines 51 and 52 and insert the following: "for salary of chief clerk Commissioner of Agriculture, Labor and Industry, fourteen hundred and seventy-five dollars.

Strike out all of line 158, and insert the following:

"For salary of commissioner of Agriculture, Labor and Industry two thousand four hundred dollars.

Strike out all of lines 159 and 160 and insert the following: ""For salary of chief clerk, Commissioner of Agriculture, Labor and Industry fourteen (hundred?) and seventy-five dollars."

The amendment was adopted by the following vote:

Ayes—Bartlett, Buckley, Carroll, Clem, Dee, Elliott, Evans, Gilna, Hepner, Kelly, W. M., Langhorne, Leehey, Lindsay, Longstaff, McCabe, McMahon, McNally, Morton, Mulville, O'Connor, O'Malley, Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Wamsley, Warren, Watkins, Whipple, Whyte, Mr. Speaker —32.

Noes—Armitage, Brown, Bruffy, Butler, Caldwell, Campbell, Clark, Cochran, Edwards, Hart, Hill, Humber, Kelly, J. N., Kennedy, Loeb, Marcum, Metlen, Morgan, Owens, Owsley, Penwell, Perrine, Phillips, Power, Stanton, Stork Taylor, Woods—28.

Absent—Bourne, Greenfield, Hewett, Lewis, McIntire, Newton, Sullivan, Whiteside—8.

On motion of Cochran House Bill No. 195 was further amended by striking out lines 58 and 166.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment report House Bill No. 258 properly engrossed.

C. F. STORK,
Chairman.

The following report was received:

Mr. Speaker:

We, your Committee on Engrossment find we have 32 bills now to engross, and knowing we cannot properly engross the bills in proper time, we recommend the appointment of two more clerks, and recommend that the House elect Miss Sadie Dickens, and Miss M. B. Youlden.

Respectfully,
C. F. STORK,
Chairman.

On motion of Kennedy the report was adopted and the appointment of Miss Sadie Dickens and Miss M. B. Youlden was ratified by the House.

House Bills Nos. 308, 239, 311 and 295 as amended were adopted by the House and the same ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration Substitute for House Bill No. 185, beg leave to report the same back with the accompanying amendments and recommend that it do pass as amended.

WHITESIDE,
Chairman.

On motion of Owsley the report of the Committee of the Whole was amended by striking out all of the amendments to House Bill No. 185 relating to the salaries of first class counties.

On motion of Elliott the following amendment was adopted to House Bill No. 185.

In Section 4602 strike out lines 82 and 83 and that part of line 84 down to and including the words "per month" and insert the following words:

"In counties of the first, second and third classes assessors shall be allowed one deputy at a salary not exceeding one hundred dollars per month, and during the months of March, April, May, June, July and August such additional deputies as the board of county commissioners may consider necessary."

On motion of Whiteside the report as amended was adopted by the following vote:

Ayes—Armitage, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Clark Cochran, Edwards, Greenfield, Hart, Hepner, Hill, Humber, Kelly, J. N., Kelly W. M., Kennedy, Langhorne, Lindsay, Loeb, Marcum, McIntire, Metlen, Morgan, Owens, Owsley, Penwell, Perrine, Phillips, Ramsey, Sanford, Shovlin, Stanton, Stork, Taylor, Whipple, Whyte, Whiteside, Woods—40.

Noes—Bartlett, Buckley, Carroll, Clem, Dee, Elliott, Evans, Gilna, Hewett, Leehy, Lewis, Longstaff, McCabe, McMahon, McNally, Morton, Mulville, Newton, O'Malley, Power, Shifelbin, Stephens, Wamsley, Warren, Mr. Speaker—25

Absent—Bartlett, Sullivan, Watkins—3.

The following report was received:

Mr. Speaker:

The Committee of the Whole have had under consideration Senate Bill No. 95 and report it back recommending that it be made a special order for Tuesday at 11 o'clock.

P. W. WATKINS,
Chairman.

On motion the report was amended by making the hour of Special Order. 11:25 A. M.

SPECIAL ORDERS.

The hour of 11:25 having arrived for which Senate Bill No. 95 was made special order the House resolved itself into Committee of the Whole for its consideration.

Hill in the chair.

House resumed.

Mr. Speaker in the chair.

Hill of the Committee of the Whole reported progress and asked leave to sit again.

Leave was granted.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

House Bill No. 325 by Stanton, A Bill for an act to amend Section 2389, Chapter 3, Article 1, Title 5, Part 3, of the Political Code relating to the State Law Library.

Read first and second time and referred to Printing Committee.

House Bill No. 326, by Ways and Means Committee to amend Section 3573, Title 8, Part 3, Article I of the Political Code relating to Public Lands.

Read first and second time and referred to Printing Committee.

House Bill No. 327, by Ways and Means Committee, A Bill for an act to amend Section 1030 to 1033 of Division 1 of Part 4, Title XI of the Civil Code of the State of Montana.

Read first and second time and referred to Printing Committee.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment report House Bill No. 184 as properly engrossed.

C. F. STORK,
Chairman.

Mr. Speaker:

The Committee of the Whole having had under consideration House Bill No. 273 beg leave to report that the same be indefinitely postponed.

P. W. WATKINS,
Chairman.

Mr. Speaker:

The Committee of the Whole having had under consideration Senate Bill No. 17, beg leave to recommend that the same do pass.

P. W. WATKINS,
Chairman.

Mr. Speaker:

The Committee of the Whole having had under consideration Senate Bill No. 44, recommend that it be made a special order for 2 P. M. Tuesday.

P. W. WATKINS,
Chairman.

On motion of Stork the House took a recess until 1:30 P. M.

AFTERNOON SESSION.

1:30 P. M.

House Resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

On motion of the report of the Committee of the Whole as to House Bill No. 273 was adopted and the same was indefinitely postponed.

On motion the report of the Committee on Senate Bill No. 17 was adopted by the following vote:

Ayes—Bourne, Brown, Bruffy, Caldwell, Campbell, Clark, Cochran, Edwards, Hart, Hepner, Hill, Kelly, J. N., Kelly, W. M., Langhorne, Leehey, Lindsay, Marcum, McIntire, Metlen, Morgan, O'Connor, Owsley, Phillips, Ramsey, Shifelbin, Shovlin, Sullivan, Wamsley, Warren, Watkins, Whipple, Whiteside, Mr. Speaker—33.

Noes—Armitage, Buckley, Carroll, Clem, Evans, Gilna, Kennedy, Longstaff McNally, Morton, Mulville, Newton, O'Malley, Owens, Power, Sanford, Taylor, Whyte, Woods—19.

Absent—Bartlett, Butler, Dee, Elliott, Greenfield, Hewett, Humber, Lewis, Loeb, McCabe, McMahon, Penwell, Perrine, Stanton, Stephens, Stork—16.

The report of the Committee as to Senate Bill No. 44 was adopted and was made a special order for 2 P. M.

The following report was received:

REPORT OF STANDING COMMITTEES.

Mr. Speaker:

Your Committee on Railways and Transportation having had under consideration Senate Bill No. 106 report the same back with the recommendation that it be placed on General Orders.

CLARK,
Chairman.

Senate Bill No. 106 was placed upon the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 288, 322, 323, 300, 313, 278, 320, 312, 314, 282, 306, 287, 302, 281, 324; 305; 227; 63 and 256 beg leave to report back same properly printed.

D.P.O'CONNOR
Chairman.

House Bills Nos. 288, 322, 323, 300, 313, 278, 320, 312, 314, 282, 306, 287, 302, 281, 324, 305, 227, 63 and 256 were placed upon the General Orders,

The following report was received:

Mr. Speaker:

Your Committee on Insurance having had under consideration Substitute for Senate Bill No. 108 beg leave to report the same back to the House with the recommendation that it be placed on General Orders.

CAMPBELL,
Chairman.

Substitute for Senate Bill No. 108 was placed upon the General Orders.

The following report was received:

Mr. Speaker:

The Committee of the Whole have had under consideration House Bill No. 210 and Senate Bill No. 73 and Senate Bill No. 7, and report them back recommending that they be passed and concurred in.

W. J. STEPHENS,
Chairman.

House Bill No. 210 was ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee on Agriculture and Stock Growing, to whom was referred

House Bill No. 321, have directed me, in view of the few days left of the session, to report same back to you, with a recommendation that its consideration be indefinitely postponed.

BROWN,
Chairman.

On motion of Clem the report was adopted and House Bill No. 321 was indefinitely postponed.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report the following bills as correctly enrolled. House Bills Nos. 52 and 166.

McINTIRE,
Chairman.

Mr. Speaker announced the signing of House Bills Nos 52 and 166.

The following report was received:

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred Senate Bill No. 97, "A Bill for an Act to amend Section 2528, Part III, Title V, Chapter IV, Article IV of the Political Code of the State of Montana, relating to the Government of Soldiers' Home," begs leave to report that the same has been considered by your committee and recommend that the bill be concurred in.

LANGHORNE,
Chairman.

Senate Bill No. 97 was placed upon the General Orders.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration House Bill No. 228 and House Bill No. 192 and recommend that they be indefinitely postponed.

CAMPBELL,
Chairman.

The report of the Committee as to House Bill No. 192 was adopted and the same was indefinitely postponed.

On motion of Carroll House Bill No. 228 was ordered engrossed for third reading.

SPECIAL ORDERS.

The hour of 3 P. M. having arrived for which Senate Bill No. 44 was made a special order the House resolved itself into Committee of the Whole for its consideration.

Watkins in the chair.

House resumed.

Mr. Speaker in the chair.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

The Ways and Means Committee having had under consideration Senate Bill No. 59, have instructed me to return the same herewith with the recommendation that the bill do pass.

RAMSEY,
Chairman.

Senate Bill No. 59 was placed upon the General Orders.

The following report was received:

Mr. Speaker:

I am directed by the Committee of the Whole to report that House Joint Resolution No. 3 do pass.

CAMPBELL,
Chairman.

On motion of Armitage Senate Joint Resolution No. 3, was amended by inserting in Section 1, line 3 after the words "personal property," the words "that are not in place."

Senate Joint Resolution No. 3 was ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee of the Whole have had under consideration House Bill No. 116, and House Bill No. 226 report them back with the accompanying amendment and recommend that they do pass as amended.

CAMPBELL,
Chairman.

The amendments to House Bill Nos. 116 and 226 were adopted and ordered engrossed.

GENERAL ORDERS.

The House again resolved itself into Committee of the Whole for the further consideration of House Bill No. 95.

Hill in the chair.

House resumed.

Mr. Speaker in the chair.

REPORT OF STANDING COMMITTEES.

The following report was received:

Mr. Speaker:

The Steering Committee of the House have instructed me to report for consideration after House Bill No. 298, that the House go to the twelfth order of business, unfinished business, for purpose of considering the business on that calendar, viz: Rosebud county.

RAMSEY,
Chairman.

Mr. Speaker:

The Steering Committee of the House in advisory session with the Senate Committee, have instructed me to report the following bills for consideration after House Bill No. 298.

House Bill No. 229, by O'Malley, Semi-Monthly payment wages.
House Bill No. 320, by Elliott, Aldermen.
House Bill No. 36, by Butler, Stock Killing.
House Bill No. 56, by Lewis, Stock Killing.
House Bill No. 148, by Butler, Stock Killing.
Senate Bill No. 16, by Judiciary Committee, Stock Killing.
House Bill No. 149, by Hart, Powder Train.
House Bill No. 154, by Longstaff, Liens.
House Bill No. 155, Longstaff, Liens.
House Bill No. 156, by Clark, Insane persons.
House Bill No. 324, by Appropriation, Transporting prisoners.
Senate Bill No. 101, by Greene, Codes.
House Bill No. 214, by Woods, Printing.
House Bill No. 167, by Hepner, Curative.
House Bill No. 209, by Penwell, Dams.
House Bill No. 235, by Brown, Live Stock.
House Bill No. 237, by Bartlett, Coroner.
Senate Bill No. 100, by Chandler, Sheep Commission
Senate Bill No. 2, by Ramsdell, Taxation.
Senate Bill No. 41, by Campbell, Board of Health.
Senate Bill No. 18, by Metzell, Live Stock.
House Bill No. 227, by Stephens, Taxes.
House Bill No. 288, by Bartlett, Fees.
House Bill No. 312, by Owsley, Registration.
Senate Bill No. 57, by Chandler, Registration.
House Bill No. 297, by Sullivan, Codes.
House Bill No. 282, by McCabe, Sheriffs.
House Bill No. 63, Shovlin, Semi-annual taxes.
House Bill No. 290, by Leehey, Shareholders.
House Bill No. 285, by Whipple, Probate.
House Bill No. 267, Longstaff, Stock.
House Bill No. 145, by Kennedy, Justice of the Peace.
House Bill No. 115, by Lindsay, Filing Officers Bond.
House Bill No. 301, by State Boards and Officers, Deputy Auditor.
House Bill No. 303, by Ways and Means, Deputy Treasurer.
House Bill No. 292, by Ways and Means, County Commissioners.

House Bill No. 283, by Whyte, Water Commissioners.

House Bill No. 302, by Power, Deficiency Judgment.

House Bill No. 146, by Langhorne, Sureties.

House Bill No. 147, by Langhorne, Sureties.

House Bill No. 164, by Dee, Registration.

House Bill No. 224, by Bartlett, Attachments.

House Bill No. 300, by Kelly, Oleomargarine.

RAMSEY,
Chairman.

On motion of Longstaff the reports were adopted.

The following reports were received:

Mr. Speaker:

Your Committee of the Whole recommend that Senate Bill No. 56 be made a special order for 7:30 this evening.

R. B. HILL,
Chairman.

On motion the report was adopted.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration Senate Bill number 44, beg leave to report the same back with the accompanying amendments and as amended recommend that it be concurred in.

WATKINS,
Chairman.

On motion of Marcum Senate Bill No. 44 was further amended by adding the following at the end of Section 1782 of the bill.

"Provided, however, that trustees of any districts in the county shall make no charges for the attendance of children whose parents reside in another district in the same county."

On motion the report of the Committee was adopted and the amendments to Senate Bill No. 144 were ordered engrossed.

Butler gave notice as follows:

Mr. Speaker:

I desire to give notice that on to-morrow I will offer an amendment to sub-division 2 of House Rule 11.

On motion of Carroll the House took a recess until 7:30 P. M.

7:30 P. M.

House resumed.

Mr. Speaker in the chair.

On motion of Cochran House Bill No. 56 was made a special order for 9 P. M.

MESSAGES FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, March 2nd, 1897.

I am directed by the Senate to inform your Honorable Body that the

Mr. Speaker:

Senate has passed Senate Bills Nos. 116 and 117 which are herewith transmitted for your concurrence.

House Bills Nos. 160, 189, 4, 213, 266, 208 and 188 have been concurred in by the Senate and are herewith transmitted.

The Senate has passed Senate substitute for House Bill No. 67, which is herewith transmitted for your concurrence.

Very Respectfully,

JOHN BLOOR,
Secretary.

House Bills Nos. 189, 4, 213, 266, 208, and 188 were ordered enrolled.

On motion of Hill the House concurred in Senate Substitute for House Bill No. 167, by the following vote:

Ayes—Brown, Bruffy, Campbell, Carroll, Clark, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Kelly, J. N. Kelly, W. M., Kennedy, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, O'Malley, Owens, Owsley, Penwell, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stork, Taylor, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—44.

Noes—Bartlett, Hepner, Langhorne, Leehey, Lindsay, Morton, Mulville, —7.

Absent—Armitage, Bourne, Buckley, Butler, Caldwell, Clem, Hewett, Humber, Lewis, Newton, O'Connor, Perrine, Stanton, Stevens, Sullivan, Wamsley, Warren—17.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment report as properly engrossed House Joint Resolution No. 3, as also House Bills Nos. 239, 289, 299, 304, 311, and 295.

C. F. STORK,
Chairman.

Mr. Speaker:

Your Committee on Engrossment report the following House Bills as properly engrossed: House Bills Nos. 103, 294, 307, 308, 309 and 310.

C. F. STORK,
Chairman.

Mr. Speaker:

Your Committee on Engrossment report as properly engrossed Bills as follows: Amendments to Senate Bills Nos. 11, 76, and 77. House Bills Nos. 95, 97, 98, 173, 174, 175, 176, 197, 240, 241, 242, 250, 293.

C. F. STORK,
Chairman.

THIRD READING OF BILLS.

House Bill No. 258 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Edwards, Elliott, Hart, Hepner, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, O'Connor, O'Malley, Owens, Perrine, Phillips, Power, Sanford, Shifelbin, Shovlin, Stork, Taylor, Wamsley, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—48.

Noes—None.

Absent—Bourne, Buckley, Butler, Clem, Evans, Gilna, Greenfield, Hewett, Humber, Lewis, Loeb, Marcum, Newton, Owsley, Penwell, Ramsey, Stanton, Stephens, Sullivan, Warren—20:

Title agreed to.

House Bill No. 134 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Edwards, Elliott, Hart, Hepner, Hill, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Taylor, Wamsley, Warren, Watkins, Whipple, Woods, Mr. Speaker—48.

Noes—None.

Absent—Bourne, Buckley, Butler, Clem, Evans, Gilna, Greenfield, Hewett, Humber, Kelly, W. M., Lewis, Loeb, McCabe, Penwell, Stanton, Stephens, Stork, Sullivan, Whyte, Whiteside—20.

Title agreed to.

House Bill No. 307 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Edwards, Elliott, Hart, Hepner, Hill, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Taylor, Wamsley, Warren, Watkins, Whipple, Woods, Mr. Speaker —48.

Noes—None.

Absent—Bourne, Buckley, Butler, Clem, Evans, Gilna, Greenfield, Hewett, Humber, Kelly, W. M., Lewis, Loeb, McCabe, Penwell, Stanton, Stephens, Stork, Sullivan, Whyte, Whiteside—20.

Title agreed to.

House Bill No. 308 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Caldwell, Clark, Cochran, Dee, Edwards, Elliott, Hart, Hepner, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Longstaff, Marcum, McIntire, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stork, Taylor, Wamsley, Warren, Watkins, Whipple, Whiteside, Woods, Mr. Speaker—47.

Noes—Campbell Carroll, Lindsay, McMahon—4.

Absent—Bourne, Buckley, Butler, Clem, Evans, Gilna, Greenfield, Hewett, Humber, Lewis, Loeb, McCabe, Penwell, Stanton, Stephens, Sullivan, Whyte—17.

Title agreed to.

House Bill No. 310 was read a third time and passed by the following vote:

Ayes—Bartlett, Brown, Bruffy, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Edwards, Elliott, Evans, Hepner, Kelly, J. N., Kelly, W. M. Kennedy, Langhorne, Leehey, Lindsay, Longstaff, McIntire, McMahon, McNally Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stork, Taylor, Wamsley, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker —48.

Noes—Armitage, Hart, Hill, Marcum, Owens—5.

Absent—Bourne, Buckley, Butler, Clem, Gilna, Greenfield, Hewett, Humber, Lewis, Loeb, McCabe, Penwell, Stanton, Stephens Sullivan—15.

House Joint Resolution No. 3 was read a third time and passed by the following vote:

Ayes—Brown, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Hepner, Kelly, J. N., Kelly W. M., Kennedy, Langhorne, Leehey, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Phillips, Power, Sanford, Shifelbin, Shovlin, Stork, Taylor, Wamsley, Warren, Watkins, Whipple, Whyte, Whiteside, Woods Mr. Speaker—46.

Noes—Bartlett, Hart, Hill Lindsay—4.

Absent—Armitage, Bourne, Bruffy, Buckley, Butler, Gilna, Greenfield, Hewett, Humber, Lewis, Loeb, McCabe, Penwell, Perrine, Ramsey, Stanton, Stephens, Sullivan—18.

House Bill No. 239 was read a third time and passed by the following vote:

Ayes—Brown, Bruffy, Buckley, Butler, Caldwell, Clark, Clem, Cochran, Elliott, Evans, Gilna, Hart, Hill, Kelly, W. M., Kennedy, Leehey, Lindsay, Marcum, McIntire, McMahon, Metlen, Mulville, Newton, O'Connor, Owsley, Phillips, Power, Sanford, Shifelbin, Shovlin, Taylor, Wamsley, Warren, Watkins, Woods, Mr. Speaker—36.

Noes—Campbell, Carroll, Dee, Edwards, Hepner, Kelly, J. N., Langhorne, Longstaff, McNally, Morton, O'Malley, Owens, Perrine, Whipple, Whyte, Whiteside—16.

Absent—Armitage, Bartlett, Bourne, Greenfield, Hewett, Humber, Lewis, Loeb, McCabe, Morgan, Penwell, Ramsey, Stanton, Stephens, Stork, Sullivan—16.

Title agreed to.

House Bill No. 311 was read a third time and passed by the following vote:

Ayes—Bartlett, Brown, Bruffy, Buckley, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Hart, Hepner, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Sanford, Shifelbin, Shovlin, Taylor, Wamsley, Warren, Watkins, Whipple, Whyte, Woods, Mr. Speaker—52.

Noes—None.

Absent—Armitage, Bourne, Butler, Greenfield, Hewett, Humber, Lewis, Loeb, McCabe, Morgan, Penwell, Ramsey, Stephens, Stanton, Stork, Sullivan, Whiteside—17.

Title agreed to.

House Bill No. 295 was read a third time and passed by the following vote:

Ayes—Bartlett, Brown, Bruffy, Buckley, Caldwelll, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Hart, Hepner, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Sanford, Shifelbin, Shovlin, Taylor, Wamsley, Warren, Watkins, Whipple, Woods Mr. Speaker—50.

Noes—None.

Absent—Armitage, Bourne, Butler, Greenfield, Hewett, Humber, Lindsay, Lewis, Loeb, McCabe, Penwell, Ramsey, Stanton, Stephens, Stork, Sullivan, Whyte, Whiteside—18.

Title agreed to.

House Bill No. 304 was read a third time and passed by the following vote:

Ayes—Armitage, Brown, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Hart, Hepner, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Newton, O'Connor, Perrine, Phillips, Sanford, Shifelbin, Shovlin, Stork, Taylor, Wamsley, Warren, Whipple, Whiteside, Woods, Mr. Speaker —39.

Noes—Bartlett, Bruffy, Buckley, Elliott, Evans, Gilna, Hill, Lindsay, Morton, Mulville, O'Malley, Owens, Power, Watkins, Whyte—15.

Absent—Bourne, Butler, Greenfield, Hewett, Humber, Lewis, Loeb, McCabe, Owsley, Penwell, Ramsey, Stanton, Stephens, Sullivan—14.

Title agreed to.

House Bill No. 299 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Caldwell, Campbell, Carroll, Clark Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Hart, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Longstaff, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Perrine, Phillips, Power, Sanford, Shifelbin, Shovlin, Sullivan, Taylor, Wamsley, Warren, Watkins, Whipple, Woods, Mr. Speaker—49

Noes—Hepner 1.

Absent—Bourne, Buckley, Butler, Greenfield, Hewett, Humber, Lindsay, Lewis, Loeb, McCabe, Owsley, Penwell, Ramsey, Stanton, Stephens, Stork, Whyte, Whiteside—18.

Title agreed to.

SPECIAL ORDERS.

The hour having arrived for which Senate Bill No. 6 was made a special order, the House resolved itself into Committee of the Whole for its consideration.

Shifelbin in the chair.

House resumed.

Mr. Speaker in the chair.

GENERAL ORDERS.

House resolved itself into Committee of the Whole for the consideration of the General Orders.

Power in the chair.

House resumed.

Mr. Speaker in the chair.

The House again resolved itself into Committee of the Whole.

Power in the chair.

House resumed.

Mr. Speaker in the chair.

On motion of Buckley the House took a recess until 9:45 A. M. to-morrow.

DAVID MARKS,
Chief Clerk.

FIFTY-NINTH DAY.

House of Representatives,
Helena, Montana, March 3rd, 1897.

House met at 9:45 A. M.

Mr. Speaker in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Fifty-eighth day read and approved.

Pairs were announced on House Bill No. 25 as follows:

Loeb and Kelly, Lewis and Mr. Speaker, Phillips and Metlen, Warren and Bruffy.

House Bill No. 25 was placed before the House having been upon the clerks desk since February 8th, upon the motion of McCabe to consider the motion by which the same was lost and the further motion by McIntire that the motion to reconsider be indefinitely postponed, the motion of McIntire prevailed, by the following vote:

Ayes—Brown, Butler, Caldwell, Campbell, Carroll, Clark, Gilna, Greenfield, Hepner, Kelly, W. M., Langhorne, Leehey, McIntire, McMahon, Morgan, Morton, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Ramsey, Shifelbin, Shovlin, Stanton, Stephens, Taylor, Warren, Whipple, Whyte, Woods—33.

Noes—Armitage, Bartlett, Buckley, Clem, Cochran, Dee, Edwards, Elliott, Evans, Hart, Hewett, Hill, Humber, Kennedy, Lindsay, Longstaff, Marcum, McCabe, McNally, Mulville, Power, Sanford, Stork, Wamsley, Watkins, Whiteside—26.

Paired—Bourne and Bruffy, Kelly, J. N. and Lewis, Loeb and Metlen, Phillips and Mr. Speaker—8.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

The Steering Committee have instructed me to report Senate Bill No. 28 as a special order for eleven o'clock Thursday morning and that House Bill No. 256 be made a special order for 2 o'clock Thursday.

RAMSEY,
Chairman.

Lindsay moved to amend by making Senate Bill No. 28 a special order for 11 A. M. to-day instead of Thursday.

Mr. Campbell was called to the chair by Mr. Speaker.

The motion of Lindsay was lost by the following vote:

Ayes—Armitage, Brown, Buckley, Butler, Carroll, Clem, Cochran, Dee, Edwards, Evans, Gilna, Hart, Hewett, Hill, Kennedy, Lindsay, Sanford, Shifelbin, Shovlin, Stanton, Stork, Taylor, Wamsley, Whipple, Whyte, Whiteside, Woods, McCabe, McMahon, McNally, Metlen, Morton, Mulville, O'Malley, Owens—35.

Noes—Bartlett, Bruffy, Caldwell, Campbell, Clark, Elliott, Greenfield, Hepner, Humber, Kelly, J. N., Kelly, W. M., Langhorne, Leehey, Loeb, Longstaff, Marcum, McIntire, Morgan, O'Connor, Owsley, Penwell, Perrine, Power Ramsey, Stephens, Sullivan, Warren, Watkins, Mr. Speaker—29.

Absent—Bourne, Lewis, Newton, Phillips—4.

Cambpell Speaker Pro Tem decided that it required a two-thirds vote to take a bill out of its regular order, therefore the motion of Lindsay was lost.

Whiteside appealed from the decision of the chair, the question being put: "Shall the decision of the chair be sustained. The chair was sustained by the following vote:

Ayes—Bartlett, Brown, Bruffy, Caldwell, Clark, Clem, Cochran, Elliott, Hepner, Humber, Kelly, J. N., Kelly, W. M., Langhorne, Leehey, Lewis, Loeb, Longstaff, Marcum, McIntire, Metlen, Morgan, Newton, O'Connor, Owsley, Penwell, Power, Ramsey, Stephens, Sullivan, Wamsley, Warren, Watkins, Mr. Speaker—33.

Noes—Armitage, Buckley, Butler, Carroll, Dee, Edwards, Evans, Gilna, Greenfield, Hart, Hewett, Hill, Kennedy, Lindsay, McCabe, McMahon, McNally, Morton, Mulville, O'Malley, Owens, Perrine, Sanford, Shifelbin, Shovlin, Stanton, Stork, Taylor, Whipple, Whyte, Whiteside, Woods—32.

Absent—Bourne, Campbell, Phillips—3.

Butler moved the adoption of the following:

I move to amend sub-division 2 of Rule 12 by adding thereto division 2 of Rule 12 by adding thereto the following: Provided that the last two days of this session the following rule shall apply to debate. No member shall speak more than once on any motion, and shall not be allowed to occupy more than five minutes at any time, and shall not be allowed to yield any time to another member, and shall not be allowed to explain his vote during a roll call. This rule to apply in the House and in the Committee of the Whole.

BUTLER,

On motion of Butler to amend the rules was lost.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Mines and Mining have had under consideration Senate Bill No. 112, introduced by the Committee on Mines and Mining, beg to report the same back to the House with the recommendation that it be not concurred in.

DEE,
Chairman.

Senate Bill No. 112 was placed upon the General Orders.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration Senate Bill No. 56, beg leave to report the same back to the House with the accompanying amendments and as amended recommend that it be concurred in.

WM. SHIFELBIN,
Chairman.

On motion of Kennedy the bill was adopted and the amendments were ordered engrossed.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment report House Bill No. 269 as properly engrossed.

C. F. STORK,
Chairman.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report the following bills correctly enrolled.

House Bills Nos. 189, 208, 188, 213, 160.

McINTIRE,
Chairman.

House Bills Nos. 189. 208, 188, 213, 160 were signed by the Speaker.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration Senate Bills Nos. 95 and 81 beg leave to report the same back to the House with the accompanying amendments and as amended recommend that they be concurred in.

HILL,
Chairman.

On motion of Whiteside the report was amended by striking out amendment No. 9.

On motion the report was adopted.

The amendments to Senate Bills Nos. 95 and 81 were ordered engrossed.

On motion of Langhorne the House took a recess until 1 P. M.

AFTERNOON SESSION.

1 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—Quorum present.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration Senate Bill No. 79 report it back and recommend that it be made a special order for 9:00 P. M. March 3.

E. J. POWERS,
Chairman.

House Bill No. 298 was ordered engrossed.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration Senate Bills Nos. 74 and 69 report them back with the accompanying amendments and as amended recommend that they do pass.

On motion of Leehey the amendments were adopted and the amendments were ordered engrossed.

REPORT OF STANDING COMMITTEES.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment report as properly engrossed, House Bills Nos. 116 and 236.

C. F. STORK,
Chairman.

Mr. Speaker:

Your Committee on Enrollment beg leave to report the following bill as correctly enrolled: House Bill No. 128.

McINTIRE,
Chairman.

Mr. Speaker:

Your Committee on Enrollment to whom was referred House Bill No. 266, beg leave to report the same as properly enrolled.

McINTIRE,
Chairman.

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bill No. 67 as correctly enrolled.

McINTIRE,
Chairman.

Mr. Speaker:

Your Committee on Enrollment beg leave to report that we have delivered to his Excellency the Governor, at the hour of 3:50 P. M., the following bills:

House Bills Nos. 87, 128, 188, 189, 213, 208, 160, 4, 166, 52.

McINTIRE,
Chairman.

House Bills Nos. 266, 128 and 67 were signed by the speaker.

The following reports were received:

Mr. Speaker:

We your Committee on Engrossment, beg leave to report House Amendments to Senate Bills Nos. 44, 81 and 56, as properly engrossed.

C. F. STORK,
Chairman.

Mr. Speaker:

Your Committee on Engrossment report House Amendment to Senate Bill No. 95, as properly engrossed.

C. F. STORK,
Chairman.

THIRD READING OF BILLS.

House Bill No. 289 was read a third time and passed by the following vote:

Ayes—Armitage, Bourne, Brown, Bruffy, Buckley, Caldwell, Clem, Cochran, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Lewis, McIntire, Metlen, Newton, O'Connor, O'Malley, Owsley, Phillips, Ramsey, Sanford, Shifelbin, Shovlin, Taylor, Wamsley, Warren, Watkins, Whipple, Whyte, Whiteside, Mr. Speaker—40.

Noes—Bartlett, Campbell, Carroll, Clark, Dee, Hepner, Humber, Leehey, Lindsay, Loeb, Longstaff, Marcum, McMahon, McNally, Morton, Mulville, Owens, Penwell, Perrine, Power, Stephens, Stork, Woods—23.

Absent—Butler, McCabe, Morgan, Stanton, Sullivan—5.

Title agreed to.

House Bill No. 97 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Buckley, Caldwell, Cochran, Dee, Elliott, Greenfield, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, McMahon, Metlen, Morgan, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Stork, Taylor, Wamsley, Warren, Watkins, Whipple, Whiteside, Woods, Mr. Speaker—46.

Noes—Bruffy, Campbell, Carroll, Clark, Clem, Edwards, Evans, Gilna, Hart, Hepner, Hewett, McNally, Morton, Mulville, Penwell, Whyte—16.

Absent—Armitage, Butler, McCabe, McIntire, Stanton, Sullivan—6.

Title agreed to.

House Bill No. 197 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Buckley, Campbell, Carroll, Clark, Clem, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, Owens, Owsley, Penwell, Phillips, Shovlin, Stephens, Stork, Taylor, Warren, Watkins, Whiteside, Mr. Speaker—50.

Noes—Cochrane, O'Malley, Power, Shifelbin—4.

Absent—Armitage, Butler, Caldwell, McCabe, McIntire, Perrine, Ramsey, Sanford, Stanton, Sullivan, Wamsley, Whipple, Whyte, Woods—14.

Title agreed to.

House Bill No. 309 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Bruffy, Buckley, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, McIntire, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Gilna, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N. Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, Shifelbin, Shovlin, Stephens, Stork, Taylor, Warren, Watkins, Whiteside, Woods, Mr. Speaker—55.

Noes—None.

Absent—Armitage, Butler, Caldwell, Greenfield, McCabe, McMahon, Ramsey, Sanford, Stanton, Sullivan, Wamsley, Whipple, Whyte—13.

Title agreed to.

House Bill No. 95 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Buckley, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Mulville, Newton, O'Connor, O'Malley, Owsley, Penwell, Perrine, Phillips, Power, Shifelbin, Shovlin, Stephens, Taylor, Warren, Watkins, Whipple, Whiteside, Woods, Mr. Speaker—52.

Noes—Gilna, Morton, Owens—3.

Absent—Armitage, Butler, Caldwell, Greenfield, Langhorne, McCabe, Ramsey, Sanford, Stanton, Stork, Sullivan, Wamsley, Whyte—13.

Title agreed to.

House Bill No. 294 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Buckley, Campbell, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Hart, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Lindsay, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stork, Sullivan, Taylor, Wamsley, Warren, Watkins, Woods—49.

Noes—None.

Absent—Armitage, Bruffy, Butler, Caldwell, Clark, Greenfield, Hepner, Langhorne, Leehey, Lewis, Loeb, McCabe, Morton, Stanton, Stephens, Whipple, Whyte, Whiteside, Mr. Speaker—19.

Title agreed to.

House Bill No. 175 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Buckley, Caldwell, Campbell, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Hart, Hepner, Hewett, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Lindsay, Loeb, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Ramsey, Sanford, Shifelbin, Shovlin, Stork, Sullivan, Taylor, Watkins, Whipple, Woods—48.

Noes—None.

Absent—Armitage, Bruffy, Butler, Carroll, Clark, Greenfield, Hill, Langhorne, Leehey, Lewis, Longstaff, McCabe, Power, Stanton, Stephens, Wamsley, Warren, Whyte, Whiteside, Mr. Speaker—20.

Title agreed to.

House Bill No. 174 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Buckley, Caldwell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Lindsay, Loeb, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stork, Sullivan, Taylor, Watkins, Whipple, Woods—51.

Noes—None.

Absent—Armitage, Bruffy, Butler, Campbell, Gilna, Greenfield, Langhorne, Leehey, Lewis, McCabe, Stanton, Stephens, Wamsley, Warren, Whyte, Whiteside, Mr. Speaker.

Title agreed to.

House Bill No. 103 was read a third time and passed by the following vote:

Ayes--Bartlett, Bourne, Brown, Bruffy, Buckley, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Hart, Hill, Humber, Kelly, J. N., Kelly, W. M.,Kennedy, Langhorne, Longstaff, Marcum, McIntire, McNally, Metlen; Morgan, Morton, Newton, O'Connor, Owens, Owsley, Penwell, Perrine, Phillips, Power, Shovlin, Stephens, Stork, Sullivan, Taylor, Wamsley, Warren, Watkins, Whipple, Woods, Mr. Speaker—49.

Noes—Mulville—1.

Absent—Armitage, Butler, Greenfield, Hepner, Hewett, Leehey, Lindsay, Lewis, Loeb, McCabe, McMahon, O'Malley, Ramsey, Sanford, Shifelbin, Stanton, Whyte, Whiteside—18.

Title agreed to.

House Bill No. 173 was read a third time and passed by the following vote:

Ayes—Bartlett, Brown, Buckley, Caldwell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Evans, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W., M., Kennedy, Lindsay, Lewis, Loeb, Longstaff, Marcum, McCabe, McIntire, Mc-

Mahon, McNally, Metlen, Morton, Mulville, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Sanford, Shifelbin, Shovlin, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Woods—49.

Noes—None.

Absent—Armitage, Bourne, Bruffy, Butler, Campbell, Elliott, Gilna, Greenfield, Humber, Langhorne, Leehey, Morgan, Newton, Ramsey, Stanton, Wamsley, Whyte, Whiteside, Mr. Speaker—19.

Title agreed to.

House Bill No. 98 was read a third time and passed by the following vote:

Ayes—Bartlett, Brown, Buckley, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Hart, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Lindsay, Lewis, Loeb, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, O'Connor, O'Malley, Owens, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Sullivan, Warren, Watkins, Whipple, Woods—48.

Noes none.

Absent—Armitage, Bourne, Bruffy, Butler, Greenfield, Hepner, Hewett, Humber, Langhorne, Leehey, McCabe, Newton, Owsley, Stanton, Stork, Taylor, Wamsley, Whyte, Whiteside, Mr. Speaker—20.

Title agreed to.

House Bill No. 250 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Buckley, Caldwell, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Gilna, Greenfield, Hepner, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Lindsay, Loeb, Longstaff, McIntire, McMahon, McNally, Metlen, Morton, Mulville, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Sanford, Shifelbin, Shovlin, Stephens, Stork, Sullivan, Taylor, Watkins, Whipple—43.

Noes none.

Absent—Armitage, Brown, Bruffy, Butler, Campbell, Clark, Evans, Hart, Humber, Hewett, Langhorne, Leehey, Lewis, Marcum, McCabe, Morgan, Newton, Ramsey, Stanton, Wamsley, Warren, Whyte, Whiteside, Wood, Mr. Speaker—25.

Title agreed to.

House Bill No. 293 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Bruffy, Buckley, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Greenfield, Hart, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Leehey, Lindsay, Loeb, Longstaff, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Sanford, Shifelbin, Stephens, Stork, Sullivan, Taylor, Warren, Whipple, Woods—48.

Noes none.

Absent—Armitage, Brown, Butler, Caldwell, Campbell, Gilna,, Hepner, Hewett, Langhorne, Lewis, Marcum, Mulville, Ramsey, Shovlin, Stanton, Wamsley, Watkins, Whyte, Whiteside, Mr. Speaker—20.

Title agreed to.

House Bill No. 242 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Bruffy, Buckley, Butler, Caldwell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Hart, Hepner, Hewett, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Leehey, Lindsay, Loeb, Longstaff, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owsley, Penwell, Perrine, Phillips, Power, Sanford, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Woods —50.

Noes—Owens—1.

Absent—Armitage, Brown, Campbell, Gilna, Greenfield, Hill, Langhorne, Lewis, Marcum, Ramsey, Shifelbin, Shovlin, Stanton, Wamsley, Whyte, Whiteside, Mr. Speaker—17.

Title agreed to.

House Bill No. 241 was read a third time and passed by the following vote:

Ayes—Bourne, Brown, Bruffy, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Gilna, Greenfield, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Loeb, Longstaff, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Ramsey, Sanford, Stephens, Taylor, Warren, Watkins, Whipple—44.

Noes none.

Absent—Armitage, Bartlett Buckley, Butler, Caldwell, Evans, Hart, Hepner, Hewett, Humber, Lewis, Marcum, Penwell, Power, Shifelbin, Shovlin, Stanton, Stork, Sullivan, Wamsley, Whyte, Whiteside, Wood, Mr. Speaker —24.

Title agreed to.

House Bill No. 240 was read a third time and passed by the following vote:

Ayes—Bourne, Brown, Bruffy, Butler, Campbell, Carroll, Clark, Clem, Cochran, Edwards, Evans, Greenfield, Hart, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Lindsay, Longstaff, McIntire, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Sullivan, Taylor, Warren, Watkins, Whipple, Woods—45.

Noes none.

Absent—Armitage, Bartlett, Buckley, Caldwell, Dee, Elliott, Gilna, Hepner, Humber, Leehey, Lewis, Loeb, Marcum, McCabe, McMahon, Penwell, Power, Stanton, Stork, Wamsley, Whyte, Whiteside, Mr. Speaker—23.

Title agreed to.

House Bill No. 176 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clem, Cochran, Edwards, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Loeb, Longstaff, McIntire, McMahon, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Phillips, Sanford, Shovlin, Stephens, Sullivan, Taylor, Warren, Watkins, Whipple, Woods—46.

Noes none.

Absent—Armitage, Buckley, Clark, Dee, Elliott, Humber, Lindsay, Lewis, Marcum, McCabe, McNally, Penwell, Perrine, Power, Ramsey, Shifelbin, Stanton, Stork, Wamsley, Whyte, Whiteside, Mr. Speaker—22.

Title agreed to.

House Bill No. 269 was read a third time and passed by the following vote:

Ayes—Bourne, Brown, Butler, Caldwell, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Leehey, Lindsay, Loeb, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Stephens, Sullivan, Taylor, Warren, Watkins, Whipple, Woods—49.

Noes—None.

Absent—Armitage, Bartlett, Bruffy, Buckley, Campbell, Clark, Humber, Langhorne, Lewis, McCabe, Penwell, Shifelbin, Stanton, Stork, Wamsley, Whyte, Whiteside, Mr. Speaker—19.

Title agreed to.

Senate Bill No. 45 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Humber, Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Sanford, Shifelbin, Stanton, Stephens, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Woods—55.

Noes—Kelly, J. N.—1.

Absent—Hart, Hewett, Hill, Lewis, Loeb, McCabe, Ramsey, Shovlin, Stork, Wamsley, Whiteside, Mr. Speaker—12.

Title agreed to.

Senate Bill No. 76 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Kelly, J. N., Kelly, W. M., Kennedy, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, Sanford, Shifelbin, Stanton, Stephens, Stork, Taylor, Wamsley, Warren, Watkins, Whipple, Woods, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power—54.

Noes—Carroll, Morton, Whyte—3.

Absent—Hart, Hewett, Hill, Humber, Langhorne, Mulville, Ramsey, Shovlin, Sullivan, Whiteside, Mr. Speaker—11.

Title agreed to.

Senate Bill No. 17 was read a third time and lost by the following vote:

Ayes—Bourne, Brown, Bruffy, Caldwell, Campbell, Clark, Cochran, Gilna, Hart, Humber, Kelly, J. N., Kelly, W. M., Langhorne, Leehey, Loeb, McIntire, Metlen, Morgan, O'Connor, Owsley, Penwell, Perrine, Phillips, Ramsey, Shovlin, Stanton, Sullivan, Warren, Whipple, Mr. Speaker—30.

Noes—Armitage, Bartlett, Buckley, Butler, Carroll, Clem, Dee, Edwards, Elliott, Evans, Greenfield, Hepner, Hill, Kennedy, Longstaff, Marcum, McCabe, McMahon, McNally, Morton, Mulville, Newton, O'Malley, Owens, Power, Sanford, Shifelbin, Stephens, Taylor, Watkins, Whyte, Woods—32.

Absent—Hewett, Lindsay, Lewis, Stork, Wamsley, Whiteside—6.

Senate Bill No. 69 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Buckley, Butler, Caldwell, Campbell, Clark, Cochran, Dee, Elliott, Evans, Greenfield, Hepner, Hewett, Hill, Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Loeb, Longstaff, McIntire, McNally, Metlen, Newton, O'Connor, Owsley, Penwell, Phillips, Power, Ramsey, Shovlin, Stanton, Sullivan, Warren, Whipple, Woods, Mr. Speaker—40.

Noes—Armitage, Bruffy, Carroll, Clem, Edwards, Gilna, Hart, Humber, Kelly, J. N., Marcum, McMahon, Morton, Mulville, O'Malley, Owens, Perrine, Sanford, Shifelbin, Stephens, Taylor, Watkins, Whyte—22.

Absent—Lewis, McCabe, Morgan, Stork, Wamsley, Whiteside—6.

Title agreed to.

Senate Bill No. 96 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hill, Kelly, J. N., Kennedy, Langhorne, Leehey, Loeb, Longstaff, McIntire, McMahon, Metlen, Morgan, Morton, Mulville, Newton, Owens, Owsley, Penwell, Phillips, Power, Ramsey, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Warren, Whipple, Woods, Mr. Speaker—50.

Noes—Clem, Humber, Lindsay, Marcum McNally, O'Connor, Sanford, Taylor, Watkins, Whyte—10.

Absent—Hewett, Kelly, W. M., Lewis, McCabe, O'Malley, Perrine, Wamsley, Whiteside—8.

Title agreed to.

Senate Bill No. 104 was read a third time and passed by the following vote:

Ayes—Armitage, Bourne, Brown, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hewett, Hill, Kelly, J. N., Kennedy, Langhorne, Lindsay, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Shovlin, Stanton, Stephens, Sullivan, Taylor, Warren, Watkins, Whipple, Whiteside, Woods, Mr. Speaker—55.

Noes—Hart, Owens, Whyte—3.

Absent—Bartlett, Bruffy, Humber, Kelly, W. M., Leehey, Lewis, Sanford, Shifelbin, Stork, Wamsley—10.

Title agreed to.

Greenfield moved to reconsider the vote by which Senate Bill No. 17 was lost.

On motion of Clem the motion to reconsider was laid on the table by the following vote:

Ayes—Armitage, Bartlett, Bruffy, Buckley, Butler, Carroll, Clem, Dee, Edwards, Elliott, Evans, Gilna, Hart, Hill, Humber, Kennedy, Longstaff, Marcum, McCabe, McMahon, McNally, Morton, Mulville, Newton, O'Malley, Owens, Power, Sanford, Shifelbin, Stephens, Sullivan, Taylor, Wamsley, Watkins, Whyte—35.

Noes—Bourne, Brown, Caldwell, Campbell, Clark, Cochran, Greenfield, Hepner, Hewett, Kelly, J. N., Langhorne, Leehey, Lindsay, Lewis, Loeb, McIntire, Metlen, Morgan, O'Connor, Owsley, Penwell, Perrine, Phillips, Ramsey, Shovlin, Stanton, Stork, Warren, Whipple, Woods, Mr. Speaker—31.

Absent—Kelly, W. M., Whiteside—2.

Title agreed to.

Substitute for Senate Bill No. 12 was read a third time and passed by the following vote:

Ayes—Armitage, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Stephens, Stork, Sullivan, Taylor, Whipple, Woods—49.

Noes—Hart, Marcum, O'Malley, Shifelbin—4.

Absent—Bartlett, Clark, Hewett, Hill, Lewis, Loeb, McCabe, McIntire, Penwell, Shovlin, Stanton, Wamsley, Warren, Watkins, Whyte, Whiteside, Mr. Speaker—17.

Title agreed to.

House Bill No. 116 was read a third time and passed by the following vote:

Ayes—Bartlett, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Loeb, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton,, Mulville, Newton, O'Connor, Owens, Owsley, Penwell, Perrine, Phillips, Ramsey, Shovlin, Stephens, Sullivan, Taylor, Warren, Watkins, Whipple, Woods —50.

Noes none.

Absent—Armitage, Bourne, Buckley, Hepner, Humber, Lindsay, Lewis, McCabe, O'Malley, Power, Sanford, Shifelbin, Stanton, Stork, Wamsley, Whyte Whiteside, Mr. Speaker—18.

Title agreed to.

House Bill No. 226 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M. Kennedy, Langhorne, Lindsay, Loeb, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, Owens, Owsley, Perrine, Phillips, Ramsey, Shifelbin, Shovlin, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Woods—55.

Noes none.

Absent—Humber, Leehey, Lewis, McCabe, O'Malley, Penwell, Power, Sanford, Stanton, Wamsley, Whyte, Whiteside, Mr. Speaker—13.

Title agreed to.

Senate Bill No. 75 was read a third time and passed by the following vote:

Ayes—Armitage, Brown, Bruffy, Butler, Caldwell, Campbell, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Longstaff, Marcum, McCabe, McIntire, McNally, Metlen, Morgan, Newton, O'Connor, Owens, Owsley, Perrine, Phillips, Power, Shovlin, Taylor, Watkins, Whipple, Whyte, Woods—44.

Noes—Bartlett, Carroll, McMahon, Morton, Mulville, Sullivan—6.

Absent—Bourne, Buckley, Humber, Lindsay, Lewis, Loeb, O'Malley, Penwell, Ramsey, Sanford, Shifelbin, Stanton, Stephens, Stork, Wamsley, Warren, Whiteside, Mr. Speaker—18.

Title agreed to.

Senate Bill No. 88 was read a third time and passed by the following vote:

Ayes— Armitage, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stork, Sullivan, Taylor, Watkins, Whipple, Whyte, Woods—53.

Noes none.

Absent—Bartlett, Bourne, Buckley, Hewett, Hill, Humber, Lewis, Loeb, Perrine, Stanton, Stephens, Wamsley, Warren, Whiteside, Mr. Speaker—15.

Title agreed to.

Senate Bill No. 48 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Brown, Bruffy, Buckley, Butler, Caldwell, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Mulville, Newton, O'Connor, O'Malley, Owens, Penwell, Perrine, Phillips, Power, Sanford, Shifelbin, Shovlin, Stork, Sullivan, Taylor, Watkins, Whipple, Whyte, Woods—52.

Noes—Carroll, Gilna, Morton—3.

Absent—Bourne, Campbell, Lewis, Loeb, McCabe, Owsley, Ramsey, Stanton, Stephens, Wamsley, Warren, Whiteside, Mr. Speaker—13.

Title agreed to.

Senate Bill No. 47 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stork, Sullivan, Taylor, Watkins, Whipple, Whyte, Woods—58.

Noes none.

Absent—Leehey, Lindsay, Loeb, McCabe, Shifelbin, Stephens, Wamsley, Warren, Whiteside, Mr. Speaker—10.

Title agreed to.

Senate Bill No. 46 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Gilna, Greenfield, Kennedy, Langhorne, Lindsay, Longstaff, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Stephens, Stork, Sullivan, Taylor, Watkins, Whipple, Whyte, Woods—47.

Noes—Hart, Humber, Kelly, J. N.—3.

Absent—Evans, Hepner, Hewett, Hill, Kelly, W. M., Leehey, Lewis, Loeb, Marcum, McCabe, McIntire, Penwell, Shovlin, Stanton, Wamsley, Warren, Whiteside, Mr. Speaker—18.

Title agreed to.

Senate Bill No. 64 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Elliott, Evans, Greenfield, Hart, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, McIntire, McMahon, McNally, Metlen, Morgan, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Phillips, Power, Ramsey, Shovlin, Stephens, Stork, Sullivan, Taylor, Whipple, Whyte, Woods—51.

Noes—Edwards, Gilna, Morton, Watkins—4.

Absent—Hepner, Hewett, Lewis, Loeb, Marcum, McCabe, Sanford, Shifelbin, Stanton, Wamsley, Warren, Whiteside, Mr. Speaker—13.

Title agreed to.

MESSAGE FROM THE SENATE.

The following communication was received:

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House Bill No. 86 has been concurred in by the Senate and is herewith transmitted.

Respectfully Yours,
JOHN BLOOR,
Secretary.

House Bill No. 86 was ordered enrolled.

THIRD READING OF BILLS.

Senate Bill No. 72 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Clark, Cochran, Dee, Elliott, Greenfield, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lewis, Loeb, Longstaff, McIntire, McNally, Metlen, Morgan, Mulville, Newton, O'Connor, Owens, Owsley, Penwell, Phillips, Power, Ramsey, Shovlin, Stanton, Stephens, Sullivan, Wamsley, Warren, Whipple, Whiteside, Mr. Speaker—46..

Noes—Carroll, Edwards, Clem, Evans, Gilna, Hart, Humber, Lindsay, McMahon, Morton, O'Malley, Sanford, Shifelbin, Taylor, Watkins, White, Woods —17.

Absent—Armitage, Marcum, McCabe, Stork, Perrine—5.

Title agreed to.

Senate Bill No. 7, was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Woods, Mr. Speaker—57.

Noes none.

Absent—Armitage, Buckley, Butler, Hewett, Loeb, McCabe, Penwell, Perrine, Stanton, Wamsley, Whiteside—11.

Title agreed to.

Senate Bill No. 59 was read a third time and lost by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Buckley, Caldwell, Evans, Gilna, Hill, Humber, Kelly, J. N., Kennedy, Leehey, Lindsay, McMahon, Mulville, O'Malley, Power, Sanford, Shifelbin, Watkins, Whipple, Whyte, Whiteside, Mr. Speaker—25.

Noes—Campbell, Clark, Clem, Cochran, Dee, Edwards, Elliott, Greenfield, Hart, Hepner, Kelly, W. M., Longstaff, Marcum, McNally, Metlen, Morgan, Morton, O'Connor, Owens, Owsley, Phillips, Shovlin, Stephens, Sullivan, Taylor, Warren, Woods—27.

Absent—Armitage, Butler, Carroll, Hewett, Langhorne, Lewis, Loeb, McCabe, McIntire, Newton, Penwell, Perrine, Ramsey, Stanton, Stork, Wamsley—16.

Senate Bill No. 77, was read a third time and passed by the following vote:

Ayes— Bartlett, Bourne, Brown, Bruffy, Caldwell, Campbell, Carroll, Clark, Clem, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, McIntire, McMahon, McNally, Morgan, Morton, Mulville, O'Connor, O'Malley, Owsley, Perrine, Phillips, Power, Sanford, Shifelbin, Shovlin, Stephens, Stork, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside—52.

Noes—Buckley, Cochran, Marcum, Metlen, Owens, Woods, Mr. Speaker, —7.

Absent—Armitage, Butler, McCabe, Newton, Penwell, Ramsey, Stanton, Sullivan, Wamsley—9.

Title agreed to.

Substitute for Senate Bill No. 11, was read a third time and passed by the following vote:

Ayes--Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Caldwell, Campbell, Dee, Edwards, Elliott, Evans, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Loeb, Longstaff, McIntire, McMahon, McNally, Morton, Mulville, Newton, O'Connor, Owens, Owsley, Perrine, Phillips, Ramsey, Shovlin, Stork, Sullivan, Warren, Whiteside, Mr. Speaker—42.

Noes—Carroll, Clem, Cochran, Gilna, Humber, Lewis, Marcum, Metlen, Morgan, O'Malley, Power, Sanford, Shifelbin, Stephens, Taylor, Watkins, Whipple, Whyte, Woods—19.

Absent—Butler, Clark ,Greenfield, McCabe, Penwell, Stanton, Wamsley, —7.

Title agreed to.

Substitute for Senate Bill No. 81, was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hewett, Hill, Kelly, J. N., Kennedy, Langhorne, Leehey. Lindsay, Lewis, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Woods—57.

Noes—Hart, Mr. Speaker—2.

Absent—Butler, Humber, Kelly, W.. M., Loeb, Penwell, Stanton, Stephens, Stork, Wamsley—9.

Title agreed to.

Senate Bill No. 44 was read a third time and passed by the following vote:

Ayes—Armitage, Bourne, Brown, Bruffy, Buckley, Butler, Carroll, Clem, Edwards, Elliott, Evans, Gilna, Greenfield, Hewett, Kelly, W. M., Kennedy, Langhorne, Lindsay, McCabe, McIntire, McMahon, Mulville, Newton, O'Malley, Power, Sanford, Shifelbin, Stork, Taylor, Whipple, Whiteside, Woods, —32.

Noes—Caldwell, Campbell, Cochran, Dee, Hart, Hepner, Humber, Kelly, J. N., Leehey, Longstaff, Marcum, McNally, Metlen, Morgan, Morton, O'Connor, Owens, Owsley, Phillips, Shovlin, Sullivan, Watkins, Mr. Speaker—23.

Absent—Bartlett, Clark, Hill, Lewis, Loeb, Penwell, Perrine, Ramsey, Stanton, Stephens, Wamsley, Warren, Whyte—13.

Title agreed to.

MESSAGE FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, March 3, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has refused to concur in the House amendments to Senate Bill No. 56, and ask for a conference committee on same.

Mr. President has appointed Senators Norris and Metzel as members of said committee.

The Senate has refused to concur in House amendments to Senate Bill No. 77 and substitute for Senate Bill No. 11 and refer same to conference committee, heretofore appointed, consisting of Senators Flowerree, Watt and Greene.

Very respectfully,
H. S. CORBLY,
Assistant Secretary.

Mr. Speaker appointed Messrs. Stephens, Caldwell, and Marcum as a conference committee on Senate Bill No. 56, and Messrs. Elliott, Longstaff and Warren as a conference committee on Senate Bill No. 77 and Substitute for Senate Bill No. 11.

THIRD READING OF BILLS.

Senate Bill No. 73 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Buckley, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—56.

Noes—Hart, Humber, Morton, Penwell—4.

Absent—Armitage, Butler, Hewett, Lewis, Loeb, McCabe, Stanton, Wamsley—8.

Title agreed to.

Senate Bill No. 56 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Buckley, Caldwell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepneer, Hewett, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Woods, Mr. Speaker—55.

Noes—Hill, Humber, Lewis, Marcum—4.

Absent—Armitage, Butler, Campbell, Loeb, McCabe, Perrine, Stanton, Wamsley, Whiteside—9.

Title agreed to.

The following reports were received:

Mr. Speaker:

The Committee of the Whole having had under consideration Senate Bill No. 79 beg leave to report the same back with the accompanying amendments and as amended recommend that it be concurred in.

LEWIS PENWELL,
Chairman.

The report was adopted and the amendments to Senate Bill No. 79 were ordered engrossed.

MESSAGE FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, March 3, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has concurred in House Bills Nos. 123, 162 and 184, as amended, and your Honorable body is respectfully requested to concur in said amendments.

All of said bills are herewith transmitted.

H. S. CORBLY,
Assistant Secretary.

The House refused to concur in the amendments to House Bill No. 184 and the Speaker appointed Messrs. Leehey, Shovlin and Clark as a committee from the Senate.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bill No. 86 as correctly enrolled.

McINTIRE,
Chairman.

Mr. Speaker announced the signing of House Bill No. 86.

REPORT OF SPECIAL COMMITTEE.

The following report was received:

Helena, Montana, March 3, 1897.

Mr. Speaker:

We, your Committee, to whom were referred the majority and minority reports of your Committee appointed to investigate the business of the Capitol Commission of the State of Montana, beg leave to submit the following:

We have carefully reviewed the evidence taken by that Committee, and we find that the evidence considered by the Committee, coming as it does principally from parties directly connected with the matter under investigation, is necessarily of such a character as to justify the broad mantle of charity with which the Committee evidently sought to cover the action of the Capitol Commission, but while we believe that the majority report is sustained to this extent, yet we believe your Committee erred in not giving a wider scope to their investigations. We believe that the best interests of the State, and simple justice to members of the Commission demanded that no expense should have been spared in sending for witnesses wherever they could be found. We find that certain parts of the evidence, as taken before the Investigating Committee if followed up, would undoubtedly have led to different conclusions. We would call special attention to extracts from the evidence of Governor Robert B. Smith, marked "Exhibit A"; also extracts taken from the evidence of Senators Riddell and Flowerree, marked "Exhibit B", herewith submitted. This testimony coming from the reliable source it does, we believe should be entitled to more than the passing notice apparently given it by the Investigating Committee, and when we have given this particular evidence the consideration which we feel it deserves, in connection with other evidence produced before the Committee, justifies to some extent the minority report.

Your Committee have also received evidence which convinces us that certain contracts between certain parties, whose object was to obtain the contract for the construction of the State Capitol Building, were made and signed, as charged in the minority report. We find further, that certain implied charges as made against the Capitol Commission by the minority report, to the effect that the said Commission were guilty of gross and inexcusable carelessness and inattention to the interests of the State of Montana, in the manner in which they contracted with, and paid enormous and unreasonable sums of State funds to persons, for services in preparing plans which they, as business men, should have known could not be used by the State under the existing business conditions of the State of Montana, are fully sustained by all the cirsumstances surrounding this case. We further find that certain specific charges as made in the minority report are not sustained by the evidence produced before the Investigating Committee. We find that, with our present limited time, it would be impossible for this Committee to give this matter the wide and unbiased investigation which we feel is due to the interests of the State, and the reputation of all parties concerned. We would, therefore, recommend the adoption of the following resolution.

RESOLVED, by the House of Representatives, the Senate concurring, that all papers and statements pertaining to this investigation be turned over to the custody of his Excellency the Governor, and he is hereby authorized to appoint a Committee, composed of such a number of persons as he deems advisable, with full power and authority to send for persons and papers, to investigate all matters pertaining to the creation and administration of the Capitol Commission of the State of Montana.

LINDSAY, Chairman.
POWERS,
ELLIOTT,
McCABE,
BUCKLEY,

On motion of Hewett the House took a recess until 7:45 P. M.

EVENING SESSION.

7:45 P. M.
House resumed.
Mr. Speaker in the chair.

MESSAGE FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, March 3, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the Senate has refused to concur in House Amendments to Senate Bills, 48,76,46,45 and Substitute for Senate Bill No. 12 and ask for a Conference Committee.

Mr. President has appointed as a Conference Committee on same, Senators, Flowerree, Watt and Green.

Yours respectfully,
H. S. CORBLY,
Assistant Secretary.

House Bill No. 86 was ordered enrolled.

Mr. Speaker appointed as a conference Committee on Senate Bills Nos. 48, 76, 46, 45 and Substitute for Senate Bill No. 12, Elliott, Longstaff and Warren.

The following communication was received:

Senate Chamber,
Helena, Montana, March 3, 1897.

Mr. Speaker:

I am instructed by the Senate to inform your Honorable body that the report of the Conference Committee in relation to House Bill No. 74 and Senate Substitute for the same has been adopted by the Senate, with the exception of the following amendments, to-wit:

"Amend Section 1, by making the salary of the Inspector $2,500. 00.

"Amend Section 2, by making the salary of the Deputy Inspector $1,800.00

These amendments have been rejected by the Senate.

Very Respectfully,
JOHN BLOOR,
Secretary.

The following report was received:

Mr. Speaker:

Your conference committee appointed to confer with a like committee from the Senate in relation to House Bill No. 74 and the Senate substitute for the same, respectfully report that the two committees came to the following agreement, which we recommend for adoption: That the Senate Substitute for House Bill No. 74 be adopted with the following amendments:

Amend Section 3 by adding, "Provided that it shall not be obligatory upon the Inspector or his deputy to visit mines employing less than tweney-five (25) men oftener than once each year, but in the judgment of the Inspector he or his deputy shall visit any mine as frequently as conditions demand.

Amend Section 1 by making the salary of Inspector twenty-five hundred ($2,500) dollars.

Amend Section 2 by making the salary of the Deputy Inspector eighteen hundred ($1,800) dollars.

MARTIN BUCKLEY,
Chairman.

On motion of Whiteside the House refused to concur in the Senates action upon the report of the Conference Committee.

On motion of Dee the chair appointed Conference Committee consisting of Elliott, Longstaff and Warren.

The following communication was received:

Senate Chamber,
Helena, Montana, March 3, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body, that the Senate has refused to concur in the House Amendments to Senate Bills Nos. 76 and 77 and respectfully ask that the House, recede from its amendments.

Yours Respectfully,
H. S. CORBLY,
Assistant Secretary.

Whiteside moved that the House recede from its amendments to Senate Bills Nos. 76 and 77. Motion lost by the following vote:

Ayes—Armitage, Bourne, Brown, Bruffy, Caldwell, Campbell, Clark, Cochran, Hart, Hepner, Kelly, J. N., Kennedy, Langhorne, Lewis, Loeb, Marcum, Metlen, Morgan, Newton, Owens, Owsley, Penwell, Perrine, Phillips, Stephens, Whipple, Whiteside, Woods—28.

Noes—Bartlett, Buckley, Carroll, Clem, Dee, Edwards, Evans, Hewett, Hill, Kelly, W. M., Lindsay, Longstaff, McMahon, McNally, Morton, Mulville, O'Connor, O'Malley, Power, Sanford, Shifelbin, Shovlin, Sullivan, Taylor, Warren, Watkins, Whyte, Mr. Speaker—28.

Absent—Butler, Elliott, Gilna, Greenfield, Humber, Leehey, McCabe, McIntire, Ramsey, Stanton, Stork, Wamsley—12.

On motion of Dee, Messrs. Elliott, Longstaff and Warren were appointed Conference Committee on Senate Bill Nos. 76 and 77.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment report House Bill No. 298 as properly engrossed.

STORK,
Chairman.

Mr. Speaker:

We your Committee on Engrossment beg leave to report Senate Bill No. 74 back as properly engrossed

C. F. STORK,
Chairman.

THIRD READING OF BILLS.

Senate Bill No. 95 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Bruffy, Buckley, Campbell, Carroll, Clark, Elliott, Gilna, Greenfield, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, McCabe, McIntire, McNally, Newton, O'Connor, Owsley, Perrine, Power, Ramsey, Shovlin, Stanton, Stephens, Sullivan, Wamsley, Warren, Whipple, Whiteside—39.

Noes—Brown, Butler, Caldwell, Clem, Cochran, Dee, Edwards, Evans.

Hart, Kennedy, Marcum, McMahon, Metlen, Morgan, Morton, Mulville, O'Malley, Owens, Penwell, Sanford, Shifelbin, Taylor, Watkins, Whyte, Woods, Mr. Speaker—26.

Paired—Humber, Phillips—2.

Absent—Stork—1.

Title agreed to.

Senate Bill No. 74 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Buckley, Caldwell, Campbell, Clark, Cochran, Dee, Elliott, Evans, Greenfield, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, McCabe, McIntire, McNally, Metlen, Morgan, Mulville, Newton, O'Connor, Owsley, Penwell, Phillips, Ramsey, Shovlin, Stanton, Stephens, Sullivan, Wamsley, Warren, Whiteside, Mr. Speaker—44.

Noes—Armitage, Bruffy, Carroll, Clem, Edwards, Gilna, Hart, Marcum, McMahon, Morton, O'Malley, Owens, Perrine, Power, Sanford, Taylor, Watkins, Whipple, Whyte, Woods—20.

Absent—Butler, Humber, Shifelbin, Stork—4.

Title agreed to.

The Committee on Investigation of charges of bribery against the members of the Legislative Assembly were granted until tomorrow at 1:30 P. M. in which to report.

House Bill No. 298 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Clark, Clem, Cochran, Dee, Elliott, Evans, Greenfield, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Longstaff, McCabe, McIntire, McNally, Metlen, Mulville, Newton, Owens, Owsley, Penwell, Power, Ramsey, Shovlin, Stephens, Sullivan, Warren, Mr. Speaker—38.

Noes—Armitage, Campbell, Carroll, Edwards, Gilna, Hart, Lindsay, Marcum, McMahon, Morton, O'Malley, Phillips, Sanford, Shifelbin, Taylor, Watkins, Whipple, Whyte, Whiteside, Woods—20.

Absent—Caldwell, Humber, Lewis, Loeb, Morgan, O'Connor, Perrine, Stanton, Stork, Wamsley—10.

Title agreed to.

Senate Bill No. 116 was read first and second time and referred to Steering Committee.

GENERAL ORDERS.

House resolved itself into committee of the Whole for the consideration of General Orders.

Hepner in the chair.

House resumed.

Mr. Speaker in the chair.

SPECIAL ORDERS.

The hour having arrived for which Senate Bill No. 79 was made a special order, House resolved itself into Committee of the Whole for its consideration.

Penwell in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

Your Committee of the Whole having had under consideration Senate Bill No. 79 report the same back with the accompanying amendments and as amended recommend that it do pass.

PENWELL,
Chairman.

On motion the report was adopted and the amendments to Senate Bill No. 79 were ordered engrossed.

The following communications were received:

Senate Chamber,
Helena, Montana, March 3, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate has refused to concur in House Amendments to Senate Bill No. 95, and ask for a Conference Committee on same.

Mr. President has appointed as members of said Committee Messrs. Auld, Eggleston and Sligh.

Very Respectfully,
H. S. CORBLY,
Assistant Secretary.

Senate Chamber,
Helena, Montana, March 3, 1897.

Mr. Speaker:

I am instructed by the Senate to inform your Honorable Body that House Bills Nos. 173, 309, 242, 289 and 134 have been concurred in by the Senate and are herewith submitted.

Very Respectfully,
JOHN BLOOR,
Secretary.

The House appointed as a Conference Committee on Senate Bill No. 95 Messrs. Langhorne, Whiteside and Lindsay.

House Bills Nos. 173, 309, 242, 289, 134 were ordered enrolled.

Hepner of the Committee of the Whole was granted further time in which to report.

On motion of Clark the following was adopted:

RESOLUTIONS.

Resolved, That the Speaker of the House or the Chairman be and is hereby requested to appoint a special committee of three to examine and approve the Journal of the House during the remainder of the session, and that the reading of the journal be dispensed with.

The chair appointed in conformity with the foregoing Messrs. Clark, Greenfield and Kennedy.

On motion of Clark the House took a recess until 9:15 A. M. tomorrow.

DAVID MARKS,
Chief Clerk.

SIXTIETH DAY.

House of Representatives:
Helena, Montana, March 4, 1897.

House resumed at 9:15 A. M.

In the absence of the Speaker and Speaker pro tem Clark was called to the chair

Roll called, quorum present.

Prayer by the chaplain.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

We, your Committee (appointed ?) by resolution to examine and correct the minutes and Journal of the House, beg leave to report to the House that we have carefully examined and read the same over and find that the Journal and Minutes as prepared are correct.

CLARK,
Chairman.

On motion of Hewett the report was adopted.

On motion of Woods the Senate amendments to House Bill 123 were not concurred in and Mr. Speaker announced as conference Committee thereon Woods, Longgstaff and Caldwell.

On motion of Hill the House refused to concur in Senate amendments to House Bill No. 162 and the chair appointed as a conference committee thereon Ramsey, O'Connor, and Hill.

MESSAGE FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, March 3, 1897.

Mr. Speaker:

I am instructed by the Senate to inform your Honorable body that House Bills Nos. 114, 183, 231, 195, 308 and 125 have been considered by the Senate and indefinitely postponed, and are herewith transmitted.

Very Respectfully,
JOHN BLOOR,
Secretary.

The following communication was received:

Senate Chamber,
Helena, Montana, March 3, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that House Bills Nos. 174, 98, 311, 307, 299, 294, 250, 258, 197, 293, 175, 295, 241, 95 and House Joint Resolution No. 3 have been concurred in by the Senate and are herewith transmitted.

Very Respectfully,
JOHN BLOOR,
Secretary.

House Bills Nos. 174, 98, 311, 307, 299, 294, 250, 258, 197, 293, 175, 295, 241, 95 and House Joint Resolution No. 3 were ordered enrolled.

The following communication was received:

Senate Chamber,
Helena, Montana, March 4, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has refused to concur in the House amendments to Senate Bill No. 44 and ask for a conference committee.

Mr. President has appointed Messrs. Norris, Watt, Smead, on said committee.

Very Respectfully,
JOHN BLOOR,
Secretary.

The House appointed as a Conference Committee on Senate Bill No. 44 Greenfield, Leehey and Whipple.

Penwell moved that inasmuch as there was a dispute between the House and Senate as regards the title to House Bill No. 86, that there be a conference committee appointed of two from each body to decide upon a proper title and report the same with recommendations.

The motion was adopted and the chair appointed Hepner and Campbell as such committee.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bills Nos. 289, 173, 134, 242 and 298, as correctly enrolled.

PENWELL,
Vice-Chairman.

The Speaker announced the signing of House Bills Nos. 289, 173, 134, 242, and 298.

The following report was received:

Mr. Speaker:

The Committee of the Whole, having had under consideration House Bills Nos. 148, 36 and 229, beg leave to report the same back to the House with recommendation that House Bills No. 148 and 36 be indefinitely postponed, and the enacting clause be stricken out of House Bill No. 229.

HEPNER,
Chairman.

House Bill No. 229 was amended as follows: by inserting "a majority of" after word "by" in line 2 and that as so amended the bill be recommended for passage.

House Bills Nos. 148 and 36 were indefinitely postponed.

House Bill No. 229 as amended was ordered engrossed.

MESSAGE FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, March 3, 1897.

Mr. Speaker:

I am directed by the Senate to inform you that the Senate has concurred in House Bills Nos. 280 and 204 as amended. Amendments to said Bills are attached and same are herewith transmitted and your honorable body is respectfully requested to concur in said amendments.

The Senate has concurred in House Bill No. 57, which is herewith transmitted.

Very Respectfully,
H. S. CORBLY,
Assistant Secretary.

House Bill No. 57 was ordered enrolled.

On motion of Bruffy the House concurred in Senate amendments to House Bill No. 280 and the same was ordered enrolled.

On motion of Clem the House concurred in Senate Amendments to House Bill No. 204 and the same was ordered enrolled.

The following report was received:

Mr. Speaker:

The Committee of the Whole, having had under consideration House Bills Nos. 154, 320 and 59, beg leave to report the same back to the House with the accompanying amendments, and as amended, recommend that they do pass; also recommend that House Bill No. 59 be substituted for House Bill No. 36.

HEPNER,
Chairman.

The report was adopted, and House Bills Nos. 154, 320 and 59 were ordered engrossed.

The following report was received:

Mr. Speaker:

The Committee of the Whole, having had under consideration House Bill No. 149 and Substitute for Senate Bill No. 16, beg leave to report the same back to the House with the recommendation that the former do pass and the latter be concurred in as amended.

HEPNER,
Chairman.

House Bill No. 149 was ordered engrossed and substitute for Senate Bill No. 16 was placed on the General Orders.

Mr. Speaker announced the signing of Senate Bills Nos. 104, 96, 47, 7, 72, 45 and 73.

MESSAGE FROM THE GOVERNOR.

The following communications were received:

Executive Office,
Helena, Montana, March 2, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have this day approved and signed House Joint Memorial No. 4.

Respectfully,
ROBT. B. SMITH,
Governor.

Executive Office, Montana.
Helena, Montana, March 3, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have approved and signed House Bills Nos. 188, 189, 213, 160, 208, 4, 52, 166 and 87.

Very Respectfully,
ROBT. B. SMITH,
Governor.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Apportionment and Representation respectfully report the following on Senate Bill No. 110, and offer the attached amendment and earnestly ask that it be adopted and added to the Bill as Section 2.

McCABE,
Chairman.

On motion of Woods the amendments were adopted and the amendments to Senate Bill No. 110 were ordered engrossed.

House Joint Resolution No. 6 was read and on motion of Woods the same was adopted.

The following report was received:

Mr. Speaker:

Your Committee on Privileges and Elections to whom was referred Senate Bill No. 57 also Senate Bill No. 58 having had the same under consideration beg leave to report the same back to the House without recommendation.

SHOVLIN,
Chairman.

Senate Bills Nos. 57 and 58 were placed upon the General Orders.

The following report was received:

Mr. Speaker:

Your Committee on State Lands having had under consideration Senate Bill No. 15 , a Bill for an act entitled an act to provide for the registration of Land Titles, beg leave to state that the Bill contains 30 pages; That it contemplates an entire new system for the registration of land titles, and is complicated in an extreme degree and that it is impossible to consider the same in the time limited to the Committee at this session and hence we report the same back to the House with the recommendation that it be not concurred in.

STEPHENS,
Chairman.

On motion of Kennedy the report was adopted and Senate Bill No. 15 was placed on General Orders.

The following report was received:

Mr. Speaker:

Your Committee of State Lands having had under consideration Senate Bill No. 99, introduced by the Finance Committee beg leave to report the Bill back to the House with the recommendation that it be concurred in.

STEPHENS,
Vice-Chairman.

Senate Bill No. 99 was placed on General Orders.

The following report was received:

Mr. Speaker:

We, your Committee on Engrossment report Senate Bill No. 110 back as properly engrossed.

C. F. STORK.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bills Nos. 309 and 268 as correctly enrolled.

PENWELL,
Chairman.

Mr. Speaker announced the signing of House Bills Nos. 309 and 268.

The following communication was received:

MESSAGE FROM THE SENATE.

Senate Chamber,
Helena, Montana, March 4, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body, that the President has appointed as members of the Conference Committee on House Bill No. 123, Messrs. Chandler, Smead, Flowerree.

On House Bill No. 162 Messrs. Hoffman, Norris, Sligh.

On House Bill No. 86 Messrs. Norris, Ramsdell.

Very Respectfully,
H. S. CORBLY,
Assistant Secretary.

Mr. Speaker announced the signing of Senate Bills Nos. 48 and 46.

The following communications were received:

Senate Chamber,
Helena, Montana, March 3, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has adopted the Conference Committee's report on Senate Bill No. 44.

Very Respectfully,
H. S. CORBLY,
Assistant Secretary.

Mr. Speaker:

I am instructed by the Senate to inform your Honorable body that the Senate has adopted the report of the Conference Committee on House Bill No. 123.

Very Respectfully,
H. S. CORBLY,
Assistant Secretary.

Senate Chamber,
Helena, Montana, March 4, 1897.

Mr. Speaker:

I am directed by the Senate to return House Bill No. 298, which said Bill was presented to the President for signature by the chairman of your Enrolling Committee and which said Bill has never been sent to the Senate for concurrence.

Very Respectfully,

H. S. CORBLY,

Assistant Secretary.

On motion of Hill the Conference Committee's report on Senate Bill No. 123 was adopted and the same was ordered enrolled.

SPECIAL ORDERS.

The hour of 11 A. M. having arrived for which Senate Bill No. 28 was made a special order the House resolved itself into Committee of the Whole for its consideration.

Owsley in the chair.

House resumed.

Mr. Speaker in the chair.

REPORT OF STANDING COMMITTEES.

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bills Nos. 174 and 197 as correctly enrolled.

PENWELL,

Vice-Chairman.

Mr. Speaker announced the signing of House Bills Nos. 174 and 197.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bills Nos. 98, 299, 311, 294 and 250 as correctly enrolled.

H. W. McINTIRE,

Chairman.

Mr. Speaker announced the signing of House Bills Nos. 98, 299, 311, 294, 250.

MESSAGES FROM THE SENATE.

The following communications were received:

Senate Chamber,

Helena, Montana, March 3, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that House

Bills Nos. 94, 108 and 99 have been concurred in by the Senate and are herewith transmitted.

JOHN BLOOR,
Secretary.

House Bills Nos. 94, 108 and 99 were ordered enrolled.

MESSAGE FROM THE GOVERNOR.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have approved and signed House Bill No. 128.

Respectfully,
ROBERT B. SMITH,
Governor.

MESSAGE FROM THE SENATE.

The following communication was received:

Mr. Speaker:

I am instructed by the Senate to inform your Honorable body that House Bills Nos. 111, 113, 101 and 112 have been concurred in by the Senate and are herewith transmitted.

Very Respectfully,
JOHN BLOOR,
Secretary.

REPORTS OF STANDING COMMITTEES.

House Bills Nos. 111, 113, 101 and 112 were ordered enrolled.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Amendments to Senate Bill No. 79 as properly engrossed.

C. F. STORK,
Chairman.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment beg leave to report House Bill No. 149 as properly engrossed.

C. F. STORK,
Chairman.

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bills Nos. 95, 307, 175, 280 and 241 as correctly enrolled.

M. L. HEWETT,
Vice-Chairman.

The Speaker announced the signing of House Bills Nos. 95, 307, 175, 280 and 241.

MESSAGE FROM THE SENATE.

The following communication was received:

Mr. Speaker:

I am instructed by the Senate to inform your Honorable body that House Bills Nos. 203 and 206 have been concurred in by the Senate as amended and are herewith transmitted, and your concurrence in said amendments is respectfully requested.

Very Respectfully,
H. S. CORBLY,
Assistant Secretary.

On motion of Woods the House concurred in Senate Amendments to House Bills Nos. 203 and 206 and the same were ordered enrolled.

The following communication was received:

Senate Chamber,
Helena, Montana, March 3, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has adopted the report of the conference committee on Senate Bill No. 95.

Very Respectfully,
H. S. CORBLY,
Assistant Secretary.

To the House of Representatives, of the Fifth Legislative Assembly:

Your Conference Committee on Senate Bill No. 95, recommend that the House recede from Amendments Nos. 4, 5, 21, 22, 23 and 26, as follows:

No. 4. Amend by adding to said Section "All of which said contracts must be approved by the State Board of Land Commissioners."

No. 5. Amend Section 3535, line 73 of printed bill, the following after the words "to issue bonds", "Not exceeding amount as heretofore provided in Section 3533".

No. 21. Amend by striking out "for good and sufficient cause," after the word "commission" in Section 3531.

No. 22. Amend line 14 by inserting after the word "Montana" and before the word "from", "two of whom shall hold office for two years, two for four years and one for six years."

No. 23. Amend line 24 by inserting after the word "same" and before the word "and", and shall give bonds in the sum of twenty thousand dollars, which said oath and bond shall be filed with the Secretary of State."

No. 26. Amend line 38 by inserting after the word "duties" the following: "Provided, that the amount per diem paid in any one year shall not exceed the sum of six hundred dollars."

And recommend that amendments Nos. 18 and 25 be amended and adopted as follows:

No. 18. Amend Section 3546 after the words "under the provisions of this Act" to insert the following: "and the amount of water so sold shall specify the number of acres for which sold, and shall not exceed in quantity per acre the proportion which the whole number of acres of land that can be irrigated by said canal bears to the capacity of the canal at the point where taken out."

No. 25. Amend line 46 by inserting after the word "them" the following: "Provided that the compensation of any one person in employ of said commission other than engineers shall not exceed twelve hundred dollars, per annum, and Secretary who shall receive not to exceed eighteen hundred dollars per annum."

LANGHORNE,
Chairman.

On motion of Clark the House rejected the report of the Conference Committee with the exception of that portion relating to 18 and 25.

The chair appointed as a further Conference Committee on House Bill No. 95, Clark, Whiteside and Leehey.

The following reports were received:

Mr. Speaker:

The Committee of the Whole having had under consideration Senate Bill No. 28, and reported it back with recommendation that it be concurred in.

OWSLEY,
Chairman.

On motion of Leehey the rules were suspended and Senate Bill No. 28 was read by title only and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Butler, Campbell, Carroll, Clark, Cochran, Dee, Edwards, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Loeb, Marcum, McCabe, McIntire, McMahon, Metlen, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Penwell, Perrine, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—56.

Noes—Bruffy, Buckley, Elliott, Caldwell, Lewis, Longstaff, McNally, O'Connor, Phillips, Powers, Wamsley—11.

Absent—Clem—1.

Title agreed to.

On motion of Kennedy the House took a recess until 3 P. M.

AFTERNOON SESSION.

3 P. M.

House resumed.

Mr. Speaker in the chair.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

The Steering Committee has instructed me to make a special order for 3:45 this afternoon, of the following bills:

House Bill No. 323, Appropriation Committee, Printing Expenses.
House Bill No. 322, Appropriation Committee, Omaha Exposition.
House Bill No. 324, Appropriation Committee, Transporting Prisoners.
House Bill No. 326, Appropriation Committee, Land Title.
Senate Bill No. 110, Appropriation Committee, Apportionment.
Senate Bill No. 116, Special Committee, Officer's Bonds.
Senate Bill No. 42, Ramsdell, Judges.
House Bill No. 292, Ways and Means Committee, County Commissioners.

RAMSEY,
Chairman.

On motion of Penwell the report was adopted.

The following report was received:

Mr. Speaker:

Your Joint Conference Committee on House Bill No. 86 beg leave to submit the following report:

That from the facts presented to us, it appears as follows:

That the engrossed Bill, as sent to the Senate from the House contains the title as follows: "A Bill for an Act to extend the boundaries of Lewis and Clarke County and Cascade County to conform thereto; it appears to your Committee that this title was on the bill when it passed the Senate; the enrolled bill contains the following title: "An act to extend the boundaries of Lewis and Clarke County, and to alter the boundaries of Meagher County, Broadwater County and Cascade County to conform thereto"; Your Committee therefor recommends that this bill be referred back to the House for such corrections in the title as the House may deem proper, and that after the correction of the title, the House transmit the properly enrolled bill to the Senate for action.

NORRIS,
RAMSDELL,
HEPNER,
CAMPBELL.

Penwell moved as follows:

"I move that the title to House Bill No. 86 be as follows: An act to extend the boundaries of Lewis and Clarke County and to alter the boundaries of Meagher County, Broadwater County and Cascade County to conform thereto, also that the bill be enrolled with amendment to the title and sent to the Senate for concurrence".

PENWELL.

The motion of Penwell was adopted.

Whipple introduced the following:

RESOLUTION.

Mr. Speaker:

Resolved, that we deeply deplore that some of our over zealous friends of the gambling bill, in the heat of debate attacked the personal reputation of the members of the Steering Committee;

Resolved, further, That we hereby vote our confidence in the integrity and honor of the gentlemen of the said committee and thank them for the careful and painstaking manner in which they have discharged their duties.

On motion of Campbell the resolution was laid on the table.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment report House Amendments to Senate Bill No. 16 as properly engrossed.

C. F. STORK,
Chairman.

Mr. Speaker:

Your Committee on Engrossment report House Bills Nos. 59 and 320 as properly engrossed.

C. F. STORK,
Chairman.

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bills No. 258 as correctly enrolled.

Very Respectfully,
M. L. HEWETT,
Vice-Chairman.

Mr. Speaker announced the signing of House Bill No. 258 and Substitute for Senate Bill No. 11, and Substitute for Senate Bill No. 81.

The following report was received:

Mr. Speaker:

Your Committee of Conference on House Bill No. 162, has met with a like committee of the Senate and the two committees have agreed to the Senate amendments to said Bill, except the following:

We jointly recommend that the last paragraph on page one of the Senate Engrossed Amendments, be amended to read as follows: "In all Cities, Towns, Villages or Camps which contain a population of under Three-hundred and over One-hundred, $150.00 semi-annually, and in all Towns, Villages and Camps having a population of less than One-hundred, $100.00 semi-annually.

G. L. RAMSEY,
D. P. O'CONNOR,
R. B. HILL.

On motion of Campbell the report was adopted and Senate Bill No. 162 was ordered enrolled.

MESSAGE FROM THE GOVERNOR.

The following communication was received:

Executive Office,
Helena, Montana, March 4, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have approved and signed House Bills numbered 266, 289, 242, 268, 309, 173, 134 and 67.

Very Respectfully,
ROBT. B. SMITH,
Governor.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment report House Bills Nos. 307, 108, 101, 99, 112, 295, 111, 113, 94, 293 and House Joint Resolution No. 3, as correctly enrolled.

H. W. McINTIRE,
Chairman.

The Speaker announced the signing of House Bills Nos. 307, 108, 101, 99, 112, 295, 111, 113, 94, 293 and House Joint Resolution No. 3.

The following report was received:

Mr. Speaker:

Your Conference Committee appointed to confer with a like committee of the Senate upon Senate Bill No. 44, beg leave to report that we have agreed upon the accompanying amendments to said bill.

Greenfield,
Chairman.

On motion of Woods the report of the conference report was adopted.

MESSAGE FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, March 4, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has concurred in House Bills Nos. 102, 96, 106, 107, 110, 105, 104, 90, 109, 93, 135, 92, 100, 91 and House Joint Resolution No. 6, and the same are herewith transmitted.

Very Respectfully,
JOHN BLOOR,
Secretary.

House Bills Nos. 102, 96, 106, 107, 110, 105, 104, 90, 109, 93, 135, 92, 100, 91 and House Joint Resolution No. 6, were ordered enrolled.

REPORT OF STANDING COMMITTEE.

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 325, 326 and 327, beg leave to report back same properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 325, 326 and 327 were placed on General Orders.

The following reports were received:

Mr. Speaker:

We, your Committee on Engrossment, beg leave to report House Bill No. 229 as properly engrossed.

C. F. STORK,
Chairman.

Mr. Speaker:

The Committee of the Whole have had under consideration House Bills Nos. 323, 324, 322, 292, 326 and Senate Bills Nos. 116 and 42, and recommend that they do pass and be concurred in.

A. J. CAMPBELL,
Chairman.

THIRD READING OF BILLS.

House Bills Nos. 323, 324, 322, 292, 326 were ordered engrossed.

House Bill No. 149 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Buckley, Butler, Caldwell, Campbell, Carroll, Clark, Cochran, Dee, Edwards, Elliott, Evans, Greenfield, Hart, Hepner, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Shifelbin, Shovlin, Stephens, Sullivan, Taylor, Warren, Watkins, Whipple, Whiteside, Woods, Mr. Speaker—56.

Noes—None.

Absent—Clem, Gilna, Hewett, Langhorne, Loeb, Morgan, O'Connor, Penwell, Sanford, Stork, Wamsley, Whyte—12.

Title agreed to.

House Bill No. 229 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Buckley, Butler, Carroll, Clark, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hill, Kelly, J. N., Kennedy, Lindsay, Longstaff, Marcum, McCabe, Morton, Mulville, O'Malley, Owens, Perrine, Power, Sanford, Shifelbin, Stanton, Stephens, Sullivan, Taylor, Watkins, Whipple, Whyte, Whiteside, Woods—38.

Noes—Bourne, Brown, Bruffy, Caldwell, Campbell, Cochran, Humber, Kelly, W. M., Langhorne, Leehey, McNally, Metlen, Morgan, Newton, O'Connor, Owsley, Phillips, Ramsey, Sullivan, Warren, Mr. Speaker—21.

Absent—Clem, Hewett, Lewis, Loeb, McIntire, Shovlin, Stork, Wamsley—8.

Title agreed to.

REPORT OF STANDING COMMITTEE.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment report House Bill No. 185 as properly engrossed.

C. F. STORK,
Chairman.

MESSAGE FROM THE SENATE.

The following communication was received:

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has adopted the report of the Conference Committee, on the Senate Substitute to House Bill No. 74, which report fixes the salary of the Inspector of Mines at Twenty-four Hundred Dollars per year, and the salary of the Deputy-Inspector of Mines at Sixteen Hundred and Fifty Dollars per year.

H. S. CORBLY,
Assistant Secretary.

House Bill No. 74 was ordered enrolled.

REPORTS OF STANDING COMMITTEES.

The following report was received:

Helena, Montana, March 4, 1897.

Mr. Speaker:

Your Conference Committee on Senate Bill No. 95, recommend that the House recede from amendments Nos. 4, 5 and 21, as follows:

No. 4. Amend by adding to Section, "All of which said contracts must be approved by State Board of Land Commissioners."

No. 5. Amend Section 3535, line 73 of printed bill, the following after the words "to issue bonds", "Not exceeding amount as heretofore provided in Section 3533."

No. 21. Amend by striking out "for good and sufficient cause," after the word "commission" in Section 3531.

And recommend that amendments Nos. 23, 26, 18 and 25 be amended and adopted as follows:

No. 23. Amend line 24 by inserting after the word "same" and before the word "and", "and shall give bond in the sum of five thousand dollars, which said oath and bond shall be filed with the Secretary of State."

No. 26. Amend line 38 by inserting after the word "duties" the following: "Provided, that the amount per diem paid in any one year shall not exceed the sum of six hundred dollars, except to one member to be designated by the Board."

No. 18. Amend Section 3546 after the words "under the provisions of this Act" to insert the following: "and the amount of water so sold shall specify the number of acres for which sold, and shall not exceed in quantity per acre the proportion which the whole number of acres of land that can be irrigated by said canal bears to the capacity of the canal at the point where taken out."

No. 25. Amend line 46 by inserting after the word "them" the following: "Provided, that the compensation of any one person in employ of said commission other than engineers shall not exceed twelve hundred dollars per annum, and secretary who shall receive not to exceed eighteen hundred dollars per annum."

W. A. CLARK,
Chairman.

On motion of Clem the report was adopted.

Mr. Speaker announced the signing of Senate Bills Nos. 28 and 64.

The following report was received:

REPORT OF SPECIAL COMMITTEE.

Helena, Montana, March 4, 1897.

To the Members of the Senate and House of Representatives of the Fifth Legislative Assembly of the State of Montana:

Gentlemen:

We, your Joint Committee, appointed to investigate certain charges of bribery in connection with legislation in the Fifth Legislative Assembly, beg leave to submit the following as our report:

Your Committee met and organized Monday evening, March 1, and proceeded to subpoena witnesses and examine them in reference to matters under consideration, and by reason of the short time given us in which to conduct this investigation, and the difficulty of obtaining witnesses and prosecuting our work in the closing hours of the session, and the further fact that important witnesses in our judgment, are absent and could not be secured in time to appear before us before making this report, we beg leave to say that this investigation is incomplete. Within the limited time at our disposal the investigation has been as thorough and searching as we could make it. From the evidence received by us it is the judgment of this committee that the following state of facts exists:

First, There has been a fund raised to defeat the Chandler anti-gambling bill, and efforts have been made by parties interested in the defeat of this bill, to reach members of both the Senate and House for the purpose of unlawfully influencing votes. No evidence was presented to the committee tending to show that any member of either house received any of this money, or consented to receive any of it, with the possible exception of Representative Martin Buckley, whose testimony in full is submitted with this report.

Second, The Committee has further endeavored within the limited time at its disposal, to investigate all other rumors of bribery that it was cognizant of and it has been unable to fasten any charges upon any member of either house with the exception as above noted, to-wit, the case of Mr. Buckley.

In conclusion, not being able through lack of time and the absence of material witnesses to pursue this investigation further, the Committee respectfully recommends that the House and Senate call the attention of the proper authorities to the written evidence taken by this committee for them to take such action thereon as they may deem best.

The testimony of Representative Martin Buckley is submitted with this report for the consideration of the Legislative Assembly as exhibit A. The other testimony taken is at the disposal of the members of the Legislative Assembly if desired.

Senators:	Representatives:
E. P. CHANDLER. Chairman.	GEO. H. STANTON,
W. R. RAMSDELL.	JNO. P. McCABE,
C. H. EGGLESTON,	CHAS. D. GREENFIELD,
	M. J. ELLIOTT,
	SIDNEY H. BUTLER,

"EXHIBIT A."

Meeting of the Joint Committee of the Senate and House of Representatives appointed to investigate Charges of Corruption made against Members of the House of Representatives, 7:30 o'clock P. M., March 1, 1897.

Present: Senators Chandler, Ramsdell, Eggleston, and Representatives Stanton, Greenfield, Butler and McCabe.

Martin Buckley, being first duly sworn, testified as follows:

Q. Did you receive certain moneys from parties to be used in the promotion of the bill to create Rosebud County?

A. I don't think so. The money was given to the boys to spend. It was not for the purpose of influencing votes or anything of that kind.

Q. You received moneys, then, for the purpose of spending it with the boys from parties in the creation of Rosebud county?

A. I don't know whether they were interested or not.

Q. How much money did you receive?

A. I don't know.

Q. When was the first money left with you?

A. I couldn't say.

Q. How many different times did you find money in your room?

A. I don't know; Ididn't keep track of it.

Q. About how many times?

A. I did'nt keep track of it.

Q. Would you say you found money there as often as six times.

A. I would not.

Q. So you will not say you did not find money left in your room at least six times?

A. I don't know; I didn't keep track of it.

Q. What was the sum you first found there as near as you can tell?

A. Oh, I don't know; might have been two hundred dollars.

Q. Might have been $200?

A. Might have been more.

Q. It might have been more?

A. Might have been less, too.

Q. How much was left with you the second time?

A. I don't know.

Q. Do you room alone?

A. Room alone, yes; sometimes.

Q. You room alone except when somebody is invited to stay there?

A. I room alone when my family are not here.

Q. Your family have not been here except for a short time?

A. About ten days during the session, I guess.

Q. Was it during the time your family was here that you found this money in your room or not?

A. I don't remember.

Q. Why is it, Mr. Buckley, that your memory is so indistinct as to this particular money having been in your room? Can you explain it?

A. I am kind of a forgetful fellow. Don't pay much attention to such things.

Q. Is it anything common or uncommon for you to find money in your room?

A. Common.

Q. Do you have any idea, Mr. Buckley as to who left this money in your room?

A. No; I do not.

Q. Why did you make the remark in the beginning of your testimony that this money was left to be spent among the boys?

A. There was a note left to that effect.

Q. By whom was that note signed?

A. There was no name signed to it.

Q. Will you please state as near as you can the substance of the writing upon that note?

A. It said on the note "Take this money and spend it with the boys—Rosebud friends."

Q. Did you find money there more than one time with a note of that character?

A. Yes.

Q. About how many times, Mr. Buckley?

A. I don't know; paid no attention to it.

Q. There were no names signed to the note?

A. No.

Q. Or any of the notes you found there?

A. No. Just what I told you.

Q. What did you do with the money you found there, Mr. Buckley?

A. I spent it with the boys.

Q. You say you spent it with the boys?

A. I said I gave it to the boys around.

Mr. Buckley, will you give us the names of as many of the parties as you can remember to whom you gave a portion of this money?

A. I don't know the names.

Q. Well, are there any of these names whom you now remember?

A. No; I don't remember any of them now.

Q. Mr. Buckley, do you mean to say you received two hundred dollars in your room with a note to the effect that this money should be distributed among the boys who were friendly to the Rosebud cause and that you took this money and distributed among the boys to be spent and at this time you can't remember the names of any to whom you gave the money?

A. No.

Q. Mr. Buckley, you are aware that you are under oath to testify to the truth, the whole truth and nothing but the truth, the same as though you were in a court of justice?

A. Yes, sir.

Q. Will you kindly refresh your memory and see if you cannot tell us some of the parties to whom you gave a portion of this money?

A. I don't remember any of the names.

Q. You don't remember the names of any of them?

A. No.

SPENT MONEY AMONG HIS FRIENDS.

Q. What portion of this two hundred dollars that you spoke of receiving, did you give out to the friends of the measure as you have said?

A. I gave it all to them.

Q. All of it?

A. Yes, sir.

Q. You didn't spend any of it yourself?

A. Yes; it's all gone, now, and more with it.

Q. Do you know, Mr. Buckley, who the parties are who have been taking the lead in promoting the passage of the bill to create the county of Rosebud?

A. I guess I would be taken as as strong a party as anybody.

Q. Who, besides yourself, Mr. Buckley, has been taking a leading part in this matter?

A. I don't know. On the floor or in the lobby?

Q. I mean in the lobby, or upon the floor of the house, either.

A. Well, Mr. McCabe and myself and Mr. Hopkins and several others I don't know the names of—know them by sight.

Q. Is it not a fact that Mr. Hopkins and Mr. Longley——

A. I don't know Mr. Longley. Don't know him by name—might know him by sight.

Q. You know Mr. Hopkins, do you not, Mr. Buckley?

A. Yes, sir.

Q. Have you been talking with him concerning the Rosebud proposition?

A. Once in awhile.

Q. Have you been talking with him in reference to the distribution of any money for spending among the boys?

A. That was out of the question—out of the question to talk about money.

Q. You mean to say that you didn't talk with him about that matter, Mr. Buckley? Do you say it was out of the question to talk about a matter of that kind?

A. Against the rules of the House.

Q. Do you know, Mr. Buckley, whether Mr. Hopkins or anyone, has been distributing money besides yourself, in the interest of Rosebud County?

A. Lots of them,—lots of propositions.

Q. I am talking about Rosebud county now; I am talking about buying propositions.

A. It would take me a week to tell of all the money I have seen spent in this legislature since I have been here.

Q. I don't mean in the way of buying drinks, but in the way of handing money to others for the purpose of using it for the promotion of the Rosebud county scheme.

A. Money was merely given to the boys to buy drinks.

Q. We are talking about this giving out of money to buy drink and to have a good time on.

A. There is a rule in all politics——

Q. We understand that. Do you know of any parties who have been giving out money for the purpose that you have mentioned, Mr. Buckley?

A. No.

Q. You don't know any of them?

A. No.

Q. Now, doesn't it occur to you that after further reflection, Mr. Buckley, that it is somewhat mysterious that you should receive $200 in your room with a note asking you to distribute it in the cause of Rosebud county, and that you did give this money, or a portion of it, to parties for that purpose, and yet, in this short time, with the Rosebud county fight still on, you are unable to recall the name of a single individual to whom you gave this money? Is it not somewhat strange to you that your memory thus fails you? Can you answer that, Mr. Buckley?

A. I told you I didn't remember anybody. It was a long time ago.

Q. In what sums did you distribute this money?

A. Twenty-five, forty, one hundred, two hundred, three hundred, four hunred.

Q. How much money altogether did you find in your room?

A. I can't tell you.

Q. Was there as much as one thousand dollars?

A. There might have been.

Q. Can you remember, Mr. Buckley, any members of the House that you gave any of that to?

A. Any members of the House? I don't know but what I do. There is a lot of members in the House I couldn't name.

Q. Well, you did give some of that to some members of the House?

A. I couldn't say. There are lots of members that I could not call by name now.

Q. Martin, isn't it rather unfair to the members of this committee for you to refuse to give us the names of any of these parties who gave this money to you. You are willing to admit, Mr. Buckley, that you do remember the names of some of the members to whom you gave a portion of it. Have you spent it all?

A. I have spent it in saloons.

Q. Well, as a matter of fact, then, you did not hand this money out in lumps to different parties. You spent it over the bar?

A. I gave it out in lumps and spent it over the bar.

Q. Isn't it a matter of fact that you know of some members to whom you handed some sums of money thus received by you, but you do not feel disposed at this time to tell us those names?

A. That's right.

Q. Then you know the names but do not want to tell us?

A. Yes, sir.

Q. Why do you refuse to tell us, Mr. Buckley?

A. Well, it ain't politics to tell; it ain't business. This is a business proposition.

Q. Well, do you feel that if you named those parties that you would put them in a bad light?

A. No, sir; it is a business proposition.

Q. You are in honor bound not to disclose the names of any of those with whom you had this transaction.

A. Yes, sir.

Q. Mr. Buckley, do you remember when you took this oath you said you would answer all questions truthfully and to the best of your knowledge. You understand, Mr. Buckley, the nature of an oath, of course.

A. Yes, sir.

Q. You understand the guards that are put around a man's word after he has taken an oath. You understand, Mr. Buckley, that when a man takes an oath to tell the truth upon the witness stand that a refusal to tell the truth is in the eyes of the law perjury and that perjury is punishable by imprisonment in the State penitentiary and that this committee before whom you are testifying is clothed with the same legal authority in reference to this oath that district courts of this state are clothed with. Do you understand that, Mr. Buckley?

A. Don't make any difference. I said what I am going to say. I said it was a business proposition. I don't care to tell those men I did business with.

Q. Then you are not willing to abide by the oath when you said you would tell the truth, the whole truth and nothing but the truth in response to the interrogatories propounded to you by this committee touching rumors of bribery in connection with matters and persons in the Fifth Legislative Assembly?

A. I claim there was no bribery about it. It was a business proposition.

Q. You are not willing to testify to all these matters of fact?

A. No, sir.

Q. Then you refuse to be bound by that oath, do you? Do you or not, Mr. Buckley?

A. I told you I wasn't going to give anybody away I done business with.

Q. You mean, Mr. Buckley, to say that it is a business proposition for the members of the Legislature to receive money and spend it in promotion of legislation pending in the House of which you are a member?

A. I told you once we gave this money to the boys to spend.

Q. Now, Mr. Buckley, let's cool off a little and get down to business.

A. I have done all the business you are going to do with me on this proposition.

Q. You understand that as a member of this committee we are sworn to discharge our duties faithfully that we are put here for the purpose of arriving at these facts.

A. Yes.

Q. Then allow me to digress a little and go to another subject.

Do You know anything about the gambling proposition? Do you know anything about the money that has been spent in that connection?

A. I was offered money on that but didn't get any. I am sorry for it. If I had I would have taken it and spent it the same as on the other proposition.

Q. You say you were offered money?

A. There was a man come down in the saloon and he said, Buckley how do you feel on that gambling bill? I said, "I don't know. I was always in favor of gambling." He says, "You can consider yourself under pay." I never got any pay.

Q. Would you have any objection, Mr. Buckley, to giving us the name of the party that made that offer to you?

A. I thought it was Albertson or Woolrich—some of those fellows.

Q. Is that the only time that any one made a similar offer to you concerning the gambling proposition.

A. There was several people spoke to me about the gambling proposition.

Q. I mean in respect to giving any money to be spent among the boys or otherwise?

A. Yes; there was quite a number of people spoke to me; they told me they wanted me to take part in it and lobby to get it through.

Q. Well, did they say anything about taking part in any financial part of it?

A. They said they were going to see what could be done.

Q. Any other remarks Mr. Buckley?

A. One man said to me, you can consider yourself under pay for taking part in it. I think it was Albertson or Woolrich; I think it was Woolrich though.

Q. Do you remember any one else that made a similar remark to you Mr. Buckley?

A. He was the only one.

Q. Well, have any one of them given to you, or handed to you any money to be used?

A. They told me I was under pay. I only got approached once. Don't suppose I will get any.

Q. Do you know any one who has received any money?

A. Only what I have heard.

Q. Well, give us an idea as to some of the rumors in that connection?

A. I heard they had bought the steering committee up, to fix the bill.

Q. Has anyone ever spoken to you about buying up the steering committee who purposed to know the facts?

A. Yes; Tom Crahan told me that the steering committee had $500 of his money.

Q. Did you ever talk to the members of the steering committee about it.

A. No, sir.

Q. Do you know any member of the house who has had any money on the gambling proposition, as you say you had on this Rosebud proposition for the purpose of spending it among the boys?

A. Don't know.

Q. Do you know any member of the House or Senate who has had any money on any pending legislation in the manner you say you had this money on the Rosebud proposition, or in any other manner?

A. No.

RAILROAD LEGISLATION.

Q. Have you had any conversation with anyone concerning the railroad legislation that has been brought before the house or senate?

A. No.

Q. Has anyone intimated to you that if you would aid them in defeating this legislation that there would be a consideration for you?

A. I believe they did.

Q. Now, that is something, Mr. Buckley, we would like to have you in a friendly way, tell us about? We are here as friends, as members of the same house.

A. I think there was an offer made to me one night.

Q. Do you remember by whom? Do you not know that?

A. Mr. Beattie spoke to me about it. I told him that the bill was going through the House and he couldn't do any business with me on that proposition because I was in favor of that bill.

Q. Do you know about the language he used?

A. Something to the effect that if I would not rush that bill or try and defeat it, that there would be certain amounts in it for me.

Q. Did he mention any particular sum?

A. No; he did not. He invited me down to the office. I was down there one day five or six together. He didn't say anything to me.

Q. Who was present at the time this conversation was had with Mr. Beattie, if you remember?

A. Little Davy O'Connor was down there one day with me and somebody else—I believe McCabe.

Question by McCabe. "Were I with you?

Answer. No.

Q. Well, was Mr. O'Connor there at the time he had this talk with you?

A. No.

Q. Was anybody present at the time he made that talk?

A. There was five or six went down that day. He has a side office. He went out to the mine with me two weeks ago Sunday and said he would like to see that bill go through since I told him he couldn't do any business with me.

Q. There was no question in your mind from the conversation that you had with him but that he was willing to give a consideration for the defeat of the bill.

A. Yes, sir.

Q. Now, have you had any conversation with anyone else concerning this railroad legislation touching the subject of a money consideration?

A. No.

Q. Have you had any conversation with anyone in connection with any pending legislation further than you have stated in connection with the handling of money?

A. No.

Q. What side of the Powell county proposition were you on, Mr. Buckley?

A. I was against it.

Q. Did you have any proposition made to you from either side in reference to the defeat or passage of that bill?

A. Yes.

Q. What was the nature of those statements?

A. Oh, the friends of both sides spoke to me in reference to putting up some money, or giving money to spend in the hope of defeating it. I got money and spent it in connection with the Powell county proposition.

Q. From whom did you get that, Martin?

A. I am not prepared to say.

Q. Was that left in your room or did someone hand it to you?

A. Both.

Q. Well, now, will you kindly give us the name of the party that handed you some of this money?

A. No. Might just as well say I got it.

Q. They didn't———

A. I was foolish enough to spend my own money.

Q. Well, now, are there any other matters that you think of, Martin, in connection with the duties that have devolved upon us that you think would be of interest to us?

A. No; I don't think so.

Q. Mr. Buckley, you said that money was both given to you and left in your room in regard to the Powell county proposition. Can you say how many times money was left in your room?

A. No.

Q. Was it left more than once?

A. Once, I guess.

Q. Have you an idea approximately, or about how much was left there?

A. No. Paid no attention to it.

Q. Was there as much as $200, as much as left there at first. Do you imagine it was probably as much as was left there the first time?

A. No; didn't keep track of it.

Q. Was it left there with a note the same as the Rosebud proposition?

A. Yes.

Q. Was the nature of that note to spend it with the friends of the Powell county bill?

A. Or enemies, whichever I wanted. Didn't state that though.

Q. You thought it—you understood it was the friends or the enemies; you voted as against the Powell county bill, and you spent this money——

A. Didn't spend any money for Powell county; spent it to defeat it.

Q. Then the note that was left was in substance that you spend this money for Deer Lodge county against Powell county. Mr. Buckley, you had money handed to you for this same purpose?

A. Yes, sir.

Q. Can you remember now who gave you that money?

A. I ain't prepared to say who gave it to me. It was a business proposition. I ain't supposed to give my business to anyone in this room. This is a business proposition. There was money to give to carry it through and we carried it through. If I had a proposition to carry it through I would spend just as much money to carry it through as I thought it was worth. It takes money to carry anything.

Q. Did anyone ever make any proposition to you to give you any money to spend among the boys?

A. They told me there was money down here in this saloon. I told them that I was in favor of gambling. Three or four of them spoke up and said, "You can consider yourself under pay." I did not say anything to them; didn't pay any more attention to it. All I am sorry for is that they didn't give me a lump.

Q. Do you know of any member of the legislature who heard Mr. Crahan say that the steering committee was bought up, Martin?

A. I believe they did, yes.

Q. Do you remember the names?

A. I don't know. There were several spoke to me concerning that proposition. Several men on the floor of the house said that there was no use in talking about this or that measure; that should it pass in the House it would not pass the Senate.

Q. You know Mr. Marlow of the Montana National Bank?

A. I think I do; yes.

Q. Have you ever talked with him concerning the gambling proposition?

A. I don't think so.

Q. Have you ever talked with C. J. McNamara concerning the gambling proposition?

A. Don't know him at all; not by name. Might know him by sight.

Q. Have you talked with anyone in connection with the use of money on the gambling proposition, except the gamblers that you have referred to.

A. Well, I couldn't say I have.

Q. You don't remember the names of any?

A. No.

Q. Well, why is it Martin, that you didn't talk further with those parties who stated you were under pay on the gambling proposition? Didn't you care anything about it?

A. I had money to throw at the birds. If I was broke chances is I would have stopped to talk with them.

Q. Do you know Fred Foster?

A. Who is Fred Foster? I don't know these fellows by name. Might know them by sight.

Q. Do you know anything about money being used in connection with the inheritance tax bill?

A. Well, no; I didn't get any.

Q. Well, who is the party or parties who were manipulating the inheritance bill?

A. Mr. Leyson spoke to me about it.

Q. Well, you had a conversation with Mr. Leyson in reference to the inheritance tax, did you not? What did he say about it?

A. He would like to have me do what I could to defeat it.

Witness excused.

The House resolved itself into a Committee of the Whole for the consideration of the report.

Ramsey in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration the report of the Legislature Examination Committee have instructed me to recommend that the report of the Committee be accepted and that Martin Buckley be expelled from the membership of this Body and that his name be erased from the roll of the House.

RAMSEY,
Chairman.

On motion of Whiteside the report of the Committee was adopted by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Clark, Edwards, Evans, Gilna, Greenfield, Hart, Hepner, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Loeb, McIntire, Morton, O'Connor, O'Malley, Owens, Owsley, Penwell, Phillips, Ramsey, Shifelbin, Shovlin, Stanton, Stephens, Stork, Taylor, Warren, Whiteside, Woods, Mr. Speaker—41.

Noes—Carroll, Clem, Cochran, Dee, Elliott, Hewett, Humber, Lindsay, Lewis, Longstaff, Marcum, McCabe, McMahon, McNally, Metlen, Mulville, Newton, Perrine, Power, Sanford, Sullivan, Watkins, Whipple, Whyte—24.

Absent—Buckley, Morgan, Wamsley—3.

RESOLUTION.

Stanton presented the following:

Mr. Speaker and Gentlemen of the House of Representatives:

I move the Representative Martin Buckley be forthwith expelled from membership in the Fifth Legislative Assembly of the State of Montana for corrupt practices shown to have been committed by him as a member thereof, and his name erased from the roll of membership of this House.

The motion of Stanton was adopted by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clark, Cochran, Edwards, Evans, Gilna, Greenfield, Hart, Hepner, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Loeb, Longstaff, Marcum, McIntire, McMahon, Metlen, Morgan, Morton, O'Connor, O'Malley, Owens, Owsley, Penwell, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—55.

Noes—Clem, Dee, Elliott, Hewett, Hill, Lewis, McNally, Mulville, Perrine, —9.

Absent—Buckley, McCabe, Newton, Wamsley—4.

On motion of Shifelbin the house took a recess until 8:30 P. M.

EVENING SESSION.

8:30 P. M.

House resumed.

Mr. Speaker in the chair.

The following communication was received:

MESSAGE FROM THE SENATE.

Senate Chamber,
Helena, Montana, March 4, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has concurred in House Bills Nos. 304, 176, 97, 240, 103 and 116 and the same are herewith transmitted.

Very Respectfully,
JOHN BLOOR,
Secretary.

THIRD READING OF BILLS.

House Bills Nos. 304, 176, 97, 240, 103 and 116 were ordered enrolled.

Substitute for House Bill No. 185 was read a third time and passed by the following vote:

Ayes—Brown, Caldwell, Campbell, Cochran, Dee, Edwards, Greenfield, Hepner, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Lindsay, Loeb, Longstaff, Marcum, McCabe, McIntire, Morgan, Newton, Owens, Owsley, Penwell, Ramsey, Shovlin, Stanton, Stork, Sullivan, Watkins, Whipple, Whiteside, Woods, Mr. Speaker—35.

Noes—Carroll, Elliott, Gilna, Leehey, McMahon, Morton, O'Malley, Shifelbin, Whyte—9.

Absent—Armitage, Bartlett, Bourne, Bruffy, Butler, Clark, Clem, Hart, Hewett, Humber, Lewis, McNally, Metlen, Mulville, O'Connor, Perrine. Phillips, Power, Sanford, Stephens, Taylor, Wamsley, Warren—23.

MESSAGES FROM THE GOVERNOR.

The following communications were received:

Executive Office,
Helena, Montana, March 4, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have approved and signed House Bills Nos. 307, 111, 108, 101, 99, 241, 293, 280, 258, 250, 113, 112, 294, 174, 197, 94, 311, 95, 98, and House Joint Resolution No. 3.

Very Respectfully,
ROBERT B. SMITH,
Governor.

Executive Office.
Helena, Montana, March 4, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I have heretofore called attention to the necessity of an appropriation of $5000.00 to pay for transportation of convicts for each of the years 1897 and 1898, also to the necessity of an appropriation of $2000.00 for purchasing supplies for State officers. I do not see these items in House Bill No. 295.

Very Respectfully,
ROBERT B. SMITH,
Governor.

Executive Office.
Helena, Montana, March 4, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have this day approved and signed House Bills Nos. 53, 17, 83, 70 and 78.

Very Respectfully,
ROBERT B. SMITH,
Governor.

Executive Office,
Helena, Montana, March 4, 1897.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to herewith transmit Deficiency Bill No. 26 for the year 1896. This is a liability incurred by the State for public printing, and is approved by the Board of Examiners in the sum of $310.69.

Very Respectfully,
ROBERT B. SMITH,
Governor.

MESSAGE FROM THE SENATE.

Senate Chamber,
Helena, Montana, March 4, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has concurred in House Bill No. 226 as amended, also 149 as amended, and the same are herewith transmitted.

Very Respectfully,
JOHN BLOOR,
Secretary.

On motion of McCabe the Senate amendments to House Bills Nos. 226 and 149 were adopted and the bills were ordered enrolled.

The following report was received:

The Committee of the Whole having had under consideration House Bills Nos. 155, 156 and Senate Bill 101 and report them back with recommendation that they do pass and be concurred in.

RAMSEY,
Chairman.

House Bills Nos. 155 and 156 were ordered enrolled.

House Bill No. 154 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, Meflen, Morton, Newton, Owens, Owsley, Penwell, Phillips, Power, Ramsey, Shovlin, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—50.

Noes—Hepner.

Absent—Clark, Clem, Hewett, Hill, Humber, O'Connor, O'Malley, Perrine, Sanford, Shifelbin, Stanton, Stephens, Wamsley, McNally, Morgan, Mulville—16.

Title agreed to.

Substitute for House Bill No. 59 was read a third time and passed by the following vote.

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Butler, Caldwell, Carroll, Clem, Dee, Edwards, Elliott, Evans, Gilna, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Loeb, Longstaff, Marcum, McCabe, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—56. (57?).

Noes none.

Absent—Campbell, Clark, Cochran, Greenfield, Humber, Lewis, McIntire, Perrine, Stanton, Stephens, Wamsley—11.

Title agreed to.

House Bill No. 320, read third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Caldwell, Carroll, Cochran, Dee, Edwards, Elliott, Evans, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morton, Mulville, Newton, O'Connor, Owens, Penwell, Phillips, Power, Sanford, Shifelbin, Shovlin, Stork, Sullivan, Taylor, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—47.

Noes—Butler, Campbell, Hepner, Loeb, Owsley, Ramsey—6.

Absent—Clark, Clem, Gilna, Greenfield, Hart, Humber, Lewis, Morgan, O'Malley, Perrine, Stanton, Stephens, Wamsley, Warren—14.

Title agreed to.

MESSAGE FROM THE SENATE.

The following communications were received:

Senate Chamber,
Helena, Montana, March 4, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has adopted the report of the Conference Committee on House Bill No. 162.

Very Respectfully,
H. S. CORBLY,
Assistant Secretary.

Senate Chamber,
Helena, Montana, March 4, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has concurred in House Bills Nos. 269 as amended, 310 as amended, and 239 as amended, and the same are herewith transmitted for your concurrence in said amendments.

Very Respectfully,
JOHN BLOOR,
Secretary.

On motion of Kennedy the House concurred in Senate amendments to House Bills Nos. 269, 310 and 239 and they were ordered enrolled.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 133, 170 and 261, and Proposed Amendments to Senate Bill No. 28, beg leave to report same properly printed.

D. P. O'CONNOR,
Chairman.

House Bills Nos. 133, 170 and 261 were placed on General Orders.

The following reports were received:

Mr. Speaker:

Your Committee on Engrossment report House Bill No. 156 properly engrossed.

C. F. STORK,
Chairman.

Mr. Speaker:

Your Committee on Engrossment beg leave to report as correctly engrossed, House Bills Nos. 292, 322, 323, 324 and 326.

Respectfully,
C. F. STORK,
Chairman.

Mr. Speaker:

Your Committee on Enrollment, beg leave to report House Bills Nos. 97 and 176 as correctly enrolled.

PENWELL,
Vice-Chairman.

The Speaker announced the signing of House Bills Nos. 97 and 176.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bills Nos. 90, 91, 92, 93, 100, 105, 106, 107, 109, 110, 135 and 96, and House Joint Resolution No. 6, as correctly enrolled.

H. W. McINTIRE,
Chairman.

The Speaker announced the signing of House Bills Nos. 90, 91, 92, 93, 100, 105, 106, 107, 109, 110, 136, 96 and House Joint Resolution No. 6.

The following reports were received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bill No. 102 as correctly enrolled.

PENWELL,
Chairman.

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bill No. 57 as correctly enrolled.

H. W. McINTIRE,
Chairman.

The Speaker announced the signing of House Bills Nos. 102 and 57.

The following reports were received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report that they have correctly enrolled House Bill No. 162.

McINTIRE,
Chairman.

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bill No. 123 as correctly enrolled.

PENWELL,
Vice-Chairman.

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bill No. 206 as correctly enrolled.

McINTIRE,
Chairman.

The Speaker announced the signing of House Bills Nos. 162, 123 and 206.

THIRD READING OF BILLS.

House Bill No. 156 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Butler, Caldwell, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Lindsay, Lewis, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morgan, Morton, Mulville, O'Connor, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shovlin, Stephens, Stork, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—53.

Noes—O'Malley—1.

Absent—Armitage, Campbell, Carroll, Greenfield, Humber, Leehey, Loeb, Newton, Penwell, Shifelbin, Stanton, Sullivan, Wamsley—13.

Title agreed to.

House Bill No. 292 was read a third time and passed by the following vote:

Ayes—Bourne, Brown, Bruffy, Butler, Caldwell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Lindsay, Loeb, Longstaff, Marcum, McCabe, McMahon, McNally, Metlen, Morgan, Morton, Mulville, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—52.

Noes none.

Absent—Armitage, Bartlett, Campbell, Humber, Langhorne, Leehey, Lewis, Loeb, McIntire, Newton, Penwell, Stanton, Stork, Sullivan, Wamsley —15.

Title agreed to.

House Bill No. 323 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Butler, Caldwell, Carroll, Clark, Clem, Dee, Edwards, Elliott, Evans, Gilna, Hart, Hepner, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Leehey, Lindsay, Loeb, Longstaff, Marcum, McCabe, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Power, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—54.

Noes—None.

Absent—Armitage, Campbell, Cochran, Greenfield, Hewett, Humber, Langhorne, Leehey, Lewis, McIntire, McMahon, Penwell, Wamsley—13.

Title agreed to.

House Bill No. 324 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Butler, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Lindsay, Lewis, Loeb, Longstaff, Marcum, McCabe, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—59.

Noes—None.

Absent—Caldwell, Campbell, Hewett, Leehey, McIntire, Penwell, Power, Wamsley—8.

Title agreed to.

Senate Bill No. 110 was read a third time and passed by the following vote:

Ayes—Armitage, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hill, Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, McCabe, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, Owens, Owsley, Phillips, Power, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Woods—52.

Noes—Hewett—1.

Absent—Bartlett, Humber, Kelly, J. N., Lewis, Loeb, Longstaff, Marcum, McIntire, O'Malley, Penwell, Perrine, Ramsey, Wamsley, Mr. Speaker—14.

House Bill No. 326 was read a third time and passed by the following vote:

Ayes—Armitage, Bourne, Brown, Bruffy, Butler, Caldwell, Carroll, Clark, Clem, Cochran, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Marcum, McCabe, McMahon, McNally, Metlen, Morton, Mulville, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Sanford, Shifelbin, Stanton, Stephens, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—50

Noes—None.

Absent—Bartlett, Campbell, Dee, Hewett, Humber, Lewis, Loeb, Longstaff, McIntire, Morgan, Newton, Penwell, Power, Ramsey, Shovlin, Stork, Wamsley—17.

Title agreed to.

Senate Bill No. 116 was read a third time and passed by the following vote:

Ayes, Armitage, Bourne, Brown, Bruffy, Butler, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Lindsay, Lewis, Marcum, McMahon McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Connor, Owens, Owsley, Phillips, Shovlin, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Mr. Speaker—50.

Noes—None.

Absent—Armitage, Caldwell, Humber, Leehey, Loeb, Longstaff, McIntire, O'Malley, Penwell, Perrine, Power, Ramsey, Sanford, Shifelbin, Stanton, Wamsley, Woods,—17.

Title agreed to.

Senate Bill No. 79 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Clem, Cochran, Dee, Elliott, Evans, Greenfield, Hepner, Hewett, Hill, Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, Metlen, Morgan, Newton, O'Connor, Owens, Owsley, Phillips, Ramsey, Shovlin, Stanton, Stephens, Sullivan, Taylor, Warren, Watkins, Whipple, Whiteside, Woods, Mr. Speaker—43.

Noes—Carroll, Edwards, Gilna, McMahon, Morton, O'Malley, Whyte—7.

Absent—Clark, Hart, Humber, Kelly, J. N., Lewis, Loeb, McCabe, McNally, McIntire, Mulville, Penwell, Perrine, Power, Sanford, Shifelbin, Stork, Wamsley—17.

Title agreed to.

MESSAGE FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, March 4, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has concurred in House Bill No. 298 as amended, and is herewith transmitted.

Very Respectfully,
JOHN BLOOR,
Secretary.

On motion of Langhorne the House refused to concur in Senate Amendments to House Bill No. 298, and the chair appointed Ramsey, Langhorne and Leehey, as a conference committee.

Whiteside moved that the report of the committee to investigate the majority and minority report of the committee to investigate the affairs of the State Capitol Commission be adopted.

Ramsey moved as an amendment that the majority report of the Capitol Investigation Committee be adopted.

The amendment of Ramsey prevailed by the following vote:

Ayes—Bourne, Brown, Caldwell, Campbell, Clark, Cochran, Greenfield, Hepner, Hill, Kelly, J. N., Kelly, W. M., Langhorne, Leehey, Lewis, Longstaff, McIntire, Metlen, Morgan, Newton, O'Connor, Owsley, Penwell, Phillips, Ramsey, Shifelbin, Shovlin, Stanton, Sullivan, Warren, Watkins, Whipple, Woods, Mr. Speaker—33.

Noes—Armitage, Bartlett, Bruffy, Carroll, Clem, Dee, Edwards, Elliott, Evans, Gilna, Hart, Hewett, Humber, Kennedy, Lindsay, Marcum, McCabe, McMahon, McNally, Morton, Mulville, O'Malley, Owens, Perrine, Power, Sanford, Stephens, Taylor, Whyte, Whiteside—30.

Absent—Butler, Loeb, Stork, Wamsley—4.

On motion of Humber the vote by which the amendment of Ramsey prevailed, was reconsidered by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Carroll, Clem, Dee, Edwards, Elliott, Evans, Gilna, Hart, Hewett, Humber, Kennedy, Lindsay, Loeb, Marcum, McCabe, McMahon, McNally, Morton, Mulville, O'Malley, Owens, Penwell, Perrine, Phillips, Power, Sanford, Shifelbin, Stephens, Stork, Sullivan, Taylor, Watkins, Whyte, Whiteside—39.

Noes—Butler, Caldwell, Campbell, Clark, Cochran, Greenfield, Hepner, Hill, Kelly, J. N., Kelly, W. M., Langhorne, Leehey, Lewis, Longstaff, McIntire, Metlen, Morgan, Newton, O'Connor, Owsley, Ramsey, Shovlin, Stanton, Warren, Whipple, Woods, Mr. Speaker—27.

Absent—Wamsley—1.

Campbell moved that Whiteside be now requested by the House to announce the name of the person or persons that attempted to bribe him.

Motion prevailed.

Whiteside answered that McCabe had told him that there were persons who were willing to pay Whiteside for not bringing in a minority report.

On motion of Campbell the House requested McCabe to give the names of the persons who had offered a bribe in connection with this matter, McCabe refused, stating that the person who had intimated to him that the Capitol Commission would pay Whiteside for the suppression of the minority report was not a member of the commission and was not responsible though claiming he was authorized to make the offer.

The motion of Ramsey that the majority report be adopted, carried.

THIRD READING OF BILLS.

Senate Bill No. 42 was read a third time and passed by the following vote:

Ayes—Armitage, Bourne, Brown, Bruffy, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Gilna, Greenfield, Hart, Hewett, Hill, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Longstaff, Marcum, McCabe, McNally, Metlen, Morgan, Morton, Newton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Sanford, Shifelbin, Shovlin, Stanton, Sullivan, Taylor, Warren, Whipple, Whyte, Woods, Mr. Speaker —49.

Absent—Bartlett, Elliott, Evans, Hepner, Humber, Kelly, W. M., Loeb, McMahon, Mulville, Penwell, Power, Ramsey, Stephens, Stork, Wamsley, Watkins, Whiteside—17.

Noes—None.

Title agreed to.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bill No. 104 correctly enrolled.

McINTIRE,
Chairman.

Mr. Speaker announced the signing of House Bill No. 104.

House Bills Nos. 328 and 322 were introduced by unanimous consent.

The following report was received:

Mr. Speaker:

As chairman of the Enrollment Committee, I beg leave to report that at the hour of 10:00 P. M. the following bills were delivered to his excellency the Governor: House Bills Nos. 176, 110, 96, 100, 106, 107, 90, 109, 105, 93, 92, and 91.

Respectfully,
McINTIRE,
Chairman.

THIRD READING OF BILLS.

The rules were suspended and House Bill No. 328 was read a third time and passed by the following vote:

Ayes—Armitage, Bourne, Brown, Bruffy, Carroll, Clem, Cochran, Dee, Edwards, Evans, Greenfield, Hill, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Leehey, Lindsay, Longstaff, Marcum, McCabe, McMahon, Metlen, Morgan, Morton, O'Connor, O'Malley, Owens, Owsley, Perrine, Phillips, Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Woods, Mr. Speaker—44.

Noes—McNally—1.

Absent—Bartlett, Butler, Caldwell, Campbell, Clark, Elliott, Gilna, Hart, Hepner, Hewett, Langhorne, Lewis, Loeb, McIntire, Mulville, Newton, Penwell, Power, Stanton, Stork, Wamsley, Whiteside—22.

Title agreed to.

Under a suspension of the rules House Bill No. 322 was read a third time and passed by the following vote:

Ayes—Bartlett, Brown, Butler, Campbell, Cochran, Dee, Elliott, Evans, Gilna, Greenfield, Hepner, Hewett, Hill, Kelly, W. M., Langhorne, Leehey, Longstaff, McCabe, Metlen, Morgan, O'Connor, O'Malley, Owsley, Perrine Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Sullivan, Taylor, Warren, Whipple, Mr. Speaker—34.

Noes—Bourne, Bruffy, Carroll, Clem, Edwards, Hart, Humber, Kelly, J. N., Kennedy, Lindsay, Marcum, McMahon, McNally, Morton, Owens, Phillips, Whyte, Woods—18.

Absent—Armitage, Caldwell, Clark, Lewis, Loeb, McIntire, Mulville, Newton, Penwell, Power, Stanton, Stork, Wamsley, Watkins, Whiteside—15.

Title agreed to.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment report House Bill No. 155 as correctly engrossed.

Respectfully,

C. F. STORK,
Chairman.

House Bill No. 155 was read a third time and passed by the following vote:

Ayes—Bartlett, Bourne, Brown, Bruffy, Butler, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Elliott, Evans, Gilna, Greenfield, Hart, Hepner, Hewett, Humber, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne. Leehey, Lindsay, Loeb, Longstaff, Marcum, McCabe, McMahon, McNally, Metlen, Morgan, Morton, Mulville, Newton, O'Malley, Owens, Owsley, Perrine, Phillips, Sanford, Shifelbin, Shovlin, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Woods—54.

Noes—None.

Absent—Armitage, Caldwell, Hill, Lewis, McIntire, O'Connor, Penwell, Power, Ramsey, Stanton, Wamsley, Whiteside, Mr. Speaker—13.

Title agreed to.

The House resolved itself into a Committee of the Whole.

Campbell in the chair.

House resumed.

Mr. Speaker in the chair.

The following report was received:

Mr. Speaker:

The Committee of the Whole having had under consideration House Bill No. 214, beg leave to report the same back with accompanying amendments and as amended recommend that it do pass.

A. J. CAMPBELL,
Chairman.

On motion the amendments were adopted and House Bill No. 214 was ordered engrossed.

MESSAGE FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, March 4, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has concurred in House Bill No. 322.

Very Respectfully,
H. S. CORBLY,
Assistant Secretary.

House Bill No. 322 was ordered enrolled.

THIRD READING OF BILLS.

House Bill No. 209 was read a third time and passed by the following vote:

Ayes—Armitage, Bourne, Brown, Butler, Carroll, Clem, Cochran, Edwards, Elliott, Evans, Gilna, Greenfield, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Morton, Newton, O'Connor, O'Malley, Owsley, Penwell, Perrine, Power, Shifelbin, Shovlin, Stephens, Sullivan, Taylor, Warren, Watkins, Whyte, Woods, Mr. Speaker—43.

Noes—Caldwell, Campbell, Dee, Hart, Hewett, Hill, Humber, Metlen, Morgan, Mulville, Owens, Phillips, Sanford Stanton, Whipple—15.

Absent—Bartlett, Bruffy, Clark, Lewis, Loeb, Ramsey, Stork, Wamsley, Whiteside—9.

Title agreed to.

The following reports were received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bills Nos. 74, 149, 203, 226, 239, 269 and 310.

McINTIRE,
Chairman.

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bill No. 204 as correctly enrolled.

McINTIRE,
Chairman.

Mr. Speaker announced the signing of House Bills Nos. 74, 149, 203, 226, 239, 269, 310 and 204.

RESOLUTION.

Hepner introduced the following:

Langhorne in the chair.

Mr. Speaker:

I desire to offer the following resolution:

WHEREAS, The members of the House of Representatives of the Fifth Legislative Assembly of the State of Montana realizing their wisdom in the selection of the Hon. J. M. Kennedy as Speaker of the House; as one whose executive administration of the affairs of the House has been one of uniform courtesy, fair and impartial conduct in guiding its peaceful as well as stormy proceedings throughout the length of the session; whose ability as a presiding officer of the House, we believe has never been surpassed in any Legislative Assembly of the Territory and State of Montana;

AND WHEREAS, in the Hon. Albert I. Loeb as Speaker pro tem the House found an able and qualified assistant to the Speaker in the discharge of his arduous duties;

And Whereas, in Mr. David Marks, Chief Clerk, and J. H. Hall, Sergeant at Arms, and all other officers, pages and attaches of the House, the members have found capable and conscientious officers and attaches, who faithfully discharged their several duties and have always been ready to look after the needs and comfort of the members;

Now Therefore, Be it resolved by the House of Representatives of the Fifth Legislative Assembly of the State of Montana, that it congratulates and tenders its thanks to the aforesaid officers and attaches for the splendid record they leave behind them in the annals of the history of this Assembly, as reflecting credit upon themselves and upon the members of the House.

Resolved that a copy of these resolutions be spread upon the Journal of the House.

HEPNER.

On motion the resolutions were adopted.

Mr. Speaker announced the signing of Senate Bills Nos. 110 and 42.

The House resolved itself into a Committee of the Whole for the consideration of General Orders.

Campbell in the chair.

House resumed.

Mr. Speaker in the chair.

Mr. Speaker announced the signing of Senate Bill No. 95.

Cochran by unanimous consent introduced House Bills Nos. 329, 330, 331, and 332.

REPORT OF SPECIAL COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment report House Bill No. 214 as properly engrossed.

C. F. STORK,
Chairman.

THIRD READING OF BILLS.

House Bill No. 167 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Campbell, Carroll, Clark, Clem, Cochran, Evans, Greenfield, Hepner, Humber, Kelly, J. N., Kely, W. M., Kennedy, Langhorne, Leehey, Longstaff, Marcum, McCabe, McIntire, McMahon, Metlen, Morton, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Warren, Watkins, Whipple, Woods, Mr. Speaker—45.

Noes—Edwards, Elliott, Gilna, Hart, Hill, Loeb, McNally, Mulville, Power—9.

Absent—Butler, Caldwell, Dee, Hewett, Lindsay, Lewis, Morgan, Perrine, Phillips, Ramsey, White, Whiteside—13. (12?).

Title agreed to.

MESSAGE FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, March 4, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has concurred in the House Amendments to Senate Bill No. 79.

Very Respectfully,
H. S. CORBLY,
Assistant Secretary.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bill No. 322 as correctly enrolled.

PENWELL,
Vice-Chairman.

Mr. Speaker announced the signing of House Bill No. 322.

THIRD READING OF BILLS.

House Bill No. 214 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Butler, Carroll, Clem, Cochran, Edwards, Evans, Gilna, Greenfield, Hart, Hepner, Kelly, J. N., Kennedy, Leehy, Lindsay, Longstaff, Marcum, McCabe, McIntire, Metlen, Morgan, Morton, O'Malley, Owens, Owsley, Phillips, Shifelbin, Stanton, Stephens, Taylor, Warren, Watkins, Whipple, Whiteside, Woods, Mr. Speaker—40.

Noes—Kelly, W. M., O'Connor, Shovlin—3.

Absent-Campbell, Clark, Dee, Elliott, Hewett, Hill, Humber, Langhorne, Lewis, Loeb, McMahon, McNally, Mulville, Newton, Penwell, Perrine, Power, Ramsey, Sanford, Stork, Sullivan, Wamsley, Warren, Whyte—24.

Title agreed to.

House Bill No. 237 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Caldwell, Campbell, Clark, Clem, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Marcum, McCabe, Metlen, Morgan, Morton, O'Connor, O'Malley, Penwell, Perrine, Phillips, Ramsey, Sanford, Shovlin, Stephens, Stork, Taylor, Warren, Watkins, Whipple, Woods, Mr. Speaker—45.

Noes—Carroll, Lewis, McNally, Newton—4.

Absent—Butler, Cochran, Dee, Hart, Humber, Longstaff, McIntire, McMahon, Mulville, Owens, Owsley, Power, Shifelbin, Stanton, Sullivan, Wamsley, Whyte, Whiteside—18.

Title agreed to.

The following report was received:

Mr. Speaker:

Your Committee on Engrossment report House Bill No. 235 properly engrossed.

C. F. STORK,
Chairman.

House Bill No. 329 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Campbell, Carroll, Clark, Clem, Edwards, Elliott, Evans, Gilna, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Loeb, Marcum, McCabe, McIntire, McMahon, Metlen, Morgan, Morton, O'Connor, O'Malley, Owens, Owsley, Ramsey, Sanford, Shifelbin, Shovlin, Stanton, Stephens, Stork, Sullivan, Taylor, Watkins, Whipple, Whiteside ,Woods, Mr. Speaker—46.

Noes—Longstaff, Newton—2.

Absent—Butler, Caldwell, Cochran, Dee, Greenfield, Hewett, Humber, Langhorne, Leehey, Lindsay, Lewis, McNally, Mulville, Penwell, Perrine, Phillips, Power, Wamsley, Warren—19.

Title agreed to.

Substitute for House Bill No. 267 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Butler, Campbell, Carroll, Clem, Cochran, Edwards, Elliott, Evans, Gilna, Greenfield, Hepner, Kelly, J. N., Kelly, W. M., Kennedy, Lindsay, Marcum, McCabe, Metlen, Morgan, Morton, O'Malley, Owens, Owsley, Penwell, Phillips, Sanford, Stephens, Sullivan, Taylor, Watkins, Whipple, Whiteside, Woods, Mr. Speaker—40.

Noes—None.

Absent—Caldwell, Clark, Dee, Hart, Hewett, Hill, Humber, Langhorne, Leehey, Lewis, Loeb, Longstaff, McMahon, McNally, Mulville, Newton, O'Connor, Perrine, Power, Ramsey, Shifelbin, Shovlin, Stanton, Stork, Wamsley, Warren, Whyte—27.

Title agreed to.

House Bill No. 330 was read a third time and passed by the following vote:

Ayes—Armitage, Bourne, Brown, Bruffy, Campbell, Clark, Edwards, Evans, Gilna, Greenfield, Hart, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Loeb, Marcum, McCabe, McMahon, Morton, Owsley, Perrine, Phillips, Ramsey, Sanford, Stephens, Stork, Sullivan, Taylor, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—38.

Noes—McIntire, Newton, O' Malley, Owens—4.

Absent—(Bartlett?), Butler, Caldwell, Carroll, Clem, Cochran, Dee, Elliott, Hepner, Hewett, Humber, Lewis, Longstaff, McNally, Metlen, Morgan, Mulville, O'Connor, Penwell, Power, Shifelbin, Shovlin, Stanton, Wamsley, Warren—25?

Title agreed to.

House Bill No. 331 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Campbell, Carroll, Clem, Edwards, Elliott, Evans, Greenfield, Hart, Hill, Kelly, W. M., Kennedy, Langhorne, Lindsay, Loeb, Longstaff, Marcum, McCabe, McIntire, McMahon, Metlen, Morton, O'Connor, O'Malley, Owens, Phillips, Ramsey, Stephens, Sullivan, Taylor, Warren, Whipple, Woods, Mr. Speaker—38.

Noes—None.

Absent—Butler, Caldwell, Clark, Cochran, Dee, Gilna, Hepner, Hewett, Humber. Kelly, J. N., Leehey, Lewis, McNally, Morgan, Mulville, Newton, Owsley, Penwell, Perrine, Power, Sanford, Shifelbin, Shovlin, Stanton, Stork, Wamsley, Watkins, Whiteside—28.

Title agreed to.

House Bill No. 332 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Carroll, Clem, Cochran, Edwards, Greenfield, Hart, Hepner, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Longstaff, Marcum, McCabe, McMahon, Metlen, Morton, O'Malley, Owens, Owsley, Perrine, Phillips, Ramsey, Sanford, Shifelbin, Stanton, Sullivan, Taylor, Warren, Watkins, Woods, Mr. Speaker—38.

Noes—Gilna, Newton, Stork, Whipple—4.

Absent—Butler, Caldwell, Campbell, Clark, Dee, Elliott, Evans, Hewett, Humber, Leehey, Lindsay, Lewis, Loeb. McIntire, McNally, Morgan, Mulville, O'Connor, Penwell, Power, Shovlin, Stephens, Wamsley, White, Whiteside—25.

Title agreed to.

House Bill No. 235 was read a third time and passed by the following vote:

Ayes—Armitage, Bourne, Brown, Bruffy, Clark, Cochran, Gilna, Greenfield, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Longstaff, Marcum, McCabe, Metlen, Morton. Owens, Owsley, Perrine, Phillips, Stephens, Sullivan, Taylor, Whipple, Whyte, Woods—30.

Noes—Bartlett, Clem, Dee, Elliott, Hart, Lindsay, Lewis, McMahon, O'Malley, Sanford, Shifelbin, Stork, Watkins, Whiteside—14.

Absent—Butler, Caldwell, Campbell, Carroll, Edwards, Evans, Hepner, Humber, Loeb, McIntire, McNally, Morgan, Mulville, Newton, O'Connor, Penwell, Power, Ramsey, Shovlin, Stanton, Wamsley, Warren, Mr. Speaker—23.

Title agreed to.

Senate Bill No. 49 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Campbell, Clark, Clem, Edwards, Evans, Greenfield, Hart, Hepner, Hewett, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Leehey, Lindsay, Lewis, Longstaff, Marcum, McCabe, McIntire, McMahon, Metlen, Morton, Newton, O'Connor, O'Malley, Owens, Owsley, Penwell, Perrine, Power, Ramsey, Shifelbin, Stephens, Sullivan, Taylor, Warren, Watkins, Whipple, Whyte, Whiteside, Woods, Mr. Speaker—48.

Noes—Stanton—1.

Absent—Butler, Caldwell, Carroll, Cochran, Dee, Elliott, Gilna, Langhorne, Humber, Loeb, McNally, Morgan, Mulville, Phillips, Sanford, Shovlin, Stork, Wamsley—18.

Title agreed to.

REPORTS OF STANDING COMMITTEES.

The following reports were received:

Mr. Speaker:

Your Committee on Enrollment beg to report that we have delivered to his Excellency, the Governor, at the hour of 11:30 P. M. the following Bills: House Bills Nos. 162, 123, 86, 206, 57, 135, 97, 102, 103, 240, 304, 116 and House Joint Memorial No. 6.

McINTIRE,
Chairman.

Also at the same hour House Bills Nos. 74, 239, 310, 104, 226, 149, 203, 204, and 269 have been so delivered.

McINTIRE,
Chairman.

MESSAGE FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, March 4, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable body that the Senate has concurred in House Bill No. 324.

Very Respectfully,
JOHN BLOOR,
Secretary.

Senate Bill No. 324 was ordered enrolled.

THIRD READING OF BILLS.

Senate Bill No. 18 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Bruffy, Butler, Campbell, Campbell, Carroll, Clem, Cochran, Dee, Edwards, Elliott, Evans, Greenfield, Hart, Hepner, Hill, Kelly, J. N., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morton, Newton, O'Connor, Owens, Penwell, Perrine, Phillips, Ramsey, Sanford, Shovlin, Stanton, Sullivan, Taylor, Warren, Watkins, Whipple, Woods, Mr. Speaker—51.

Noes—Gilna, O'Malley, Stephens, Stork—4.

Absent—Clark, Hewett, Humber, Kelly, W. M., Loeb, Morgan, Mulville, Owsley, Power, Wamsley, Whyte, Whiteside—12.

Title agreed to.

Senate Bill No. 100 was read a third time and passed by the following vote:

Ayes—Armitage, Bartlett, Bourne, Brown, Butler, Caldwell, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Evans, Greenfield, Hart, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, Lewis, Longstaff, Marcum, McCabe, McIntire, McMahon, McNally, Metlen, Morton, Newton, O'Connor, Owens, Owsley, Perrine, Phillips, Ramsey, Sanford, Shifelbin, Shovlin, Stephens, Sullivan, Taylor, Warren, Watkins, Whipple, Whiteside, Woods, Mr. Speaker—51.

Noes—Elliott, Gilna, O'Malley, Stork—4.

Absent—Bruffy, Hepner, Hewett, Humber, Loeb, Morgan, Mulville, Penwell, Power, Stanton, Wamsley, Whyte—12.

Title agreed to.

Senate Bill No. 57 was read a third time and passed by the following vote:

Ayes—Armitage, Brown, Bruffy, Campbell, Carroll, Clark, Clem, Cochran, Dee, Edwards, Evans, Greenfield, Hart, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Lindsay, Lewis, McCabe, Shovlin, Stanton, Taylor, Watkins, Whipple, McMahon, Metlen, Morton, Owens, Owsley, Perrine, Phillips, Ramsey—35.

Noes—Bartlett, Elliott, Longstaff, Marcum, O'Connor, O'Malley, Power, Stephens, Stork, Sullivan, Whyte—11.

Absent—Bourne, Butler, Caldwell, Gilna, Hepner, Hewett, Humber, Leehey, Loeb, McIntire, McNally, Morgan, Mulville, Newton, Penwell, Sanford, Shifelbin, Wamsley, Warren, Whiteside, Woods—21.

Title agreed to.

Mr. Speaker announced the signing of Senate Bill No. 49.

MESSAGE FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, March 4, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate has concurred in House Bill No. 156 and the same is herewith transmitted.

Very Respectfully,
H. S. CORBLY,
Assistant Secretary.

House Bill No. 156 was ordered enrolled.

REPORT OF STANDING COMMITTEE.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report and return House Bill No. 156 as correctly enrolled.

McINTIRE,
Chairman.

Mr. Speaker announced the signing of House Bill No. 156.

MESSAGE FROM THE SENATE.

The following communication was received:

Senate Chamber,
Helena, Montana, March 4, 1897.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate has concurred in House Bill No. 328 and the same is herewith transmited.

Very Respectfully,
JOHN BLOOR,
Secretary.

House Bill No. 328 was ordered enrolled.

Mr. Speaker announced the signing of Senate Bill No. 79.

On motion of Leehey the chair appointed a committee of three consisting of Leehey, Cochran and McCabe to act with a like committee from the Senate to wait upon his Excellency the Governor, and ascertain if he has any further communication to make this Legislative Assembly.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bill No. 267 as correctly enrolled.

McINTIRE,
Chairman.

Mr. Speaker announced the signing of House Bill No. 267.

Senate Bill No. 13 was read a third time and passed by the following vote:

Ayes—Armitage, Bourne, Brown, Butler, Caldwell, Carroll, Clark, Clem, Cochran, Edwards, Gilna, Hill, Kelly, J. N., Kelly, W. M., Kennedy, Langhorne, Leehey, Lindsay, McCabe, Morton, Newton, O'Connor, Owens, Penwell, Perrine, Phillips, Ramsey, Shifelbin, Shovlin, Stanton, Stephens, Sullivan, Watkins, Whipple, Whiteside, Woods, Mr. Speaker—38.

Noes—Bartlett, Elliott—2.

Absent—Bruffy, Campbell, Dee, Evans, Greenfield, Hart, Hewett, Humber Lewis, Loeb, Longstaff, Marcum, McIntire, McMahon, McNally, Metlen, Morgan, Mulville, O'Mally, Owsley, Power, Sanford, Stork, Taylor, Wamsley, Warren, Whyte—27.

Title agreed to.

The Committee appointed to wait upon His Excellency, the Governor, returned and reported that His Excellency had no further communication to make to the Fifth Legislative Assembly.

The chair appointed as a committee to wait upon the Senate and ask if they had any further communication to make to the House, Longstaff, Carroll, Phillips.

Mr. Speaker announced the signing of Senate Bills Nos. 18, 100, 13, 57.

The committee appointed to wait upon the Senate returned and reported the Senate had no further communication to the House.

The following report was received:

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bills Nos. 324, and 328 as correctly enrolled.

McINTIRE,
Chairman.

The Speaker announced the signing of House Bills Nos. 324 and 328

The following report was received:

Mr. Speaker:

Your Committee appointed by the House to examine, correct and read the Journal of the Proceedings of the House for the Sixtieth day, beg leave to report that they have carefully examined the minutes of the proceedings and have read and corrected the same in conformity with the proceedings of the House and certify that said minutes and Journal of Proceedings for said day are correct.

W. A. CLARK,
Chairman.

The hour having arrived for which the Fifth Legislative Assembly should adjourn the gavel fell and the Speaker declared the House of Representatives adjourned SINE DIE.

DAVID MARKS.
Chief Clerk.

We do hereby certify that the foregoing Journal of Proceedings commencing with page 1 and ending with page 429 are a true and correct copy of the proceedings of the House of Representatives of the Fifth Legislative Assembly.

J. M. KENNEDY,
Speaker of the House of Representatives.

Attest:

DAVID MARKS,
Chief Clerk.